



Minutes

Regular Meeting of Louisiana Emergency Response Network Board

Thursday, March 18, 2010 at 2:00 p.m.

held at:

LERN
14141 Airline Hwy., Building 1, Suite B
Baton Rouge, LA 70817

I. Welcome/Introductions

The March 18, 2010, regular meeting of the Louisiana Emergency Response Network (LERN) Board was called to order by Coletta Cooper Barrett, RN, MHA, Chair, at 2:00 p.m. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

II. Roll Call

Celia R. Cangelosi, Board Attorney, called the roll.

Members Present:

Coletta Cooper Barrett, RN, MHA, Chair
Christopher C. Baker, MD
William "Beau" Clark, Jr., MD
Margaret Collett, RN, JD
Jimmy Guidry, MD

Ross D. Judice, MD
Norman E. McSwain, Jr., MD
Gary Peters
Peter Sullivan, MBA
Michele Zembo, MD

Tricia Hensarling, LPC, arrived at the 2:30 p.m.

Members Absent:

Thomas C. Arnold, MD
Honorable Regina Ashford Barrow, Representative
Terri Brock
Honorable Sherri Smith Cheek, Senator
Margaret Collett, RN, JD
Mark Cooper
Honorable A. G. Crowe, Senator
Joel Eldridge, DO
Fred Martinez
John Noble, Jr., MD
Jonathan Roberts, MD
Carl "Jack" Varnado, Jr.
Honorable Mack A. "Bodi" White, Jr., Representative
Mallory Williams, MD, MPH

Fred Martinez participated by telephone.

Mallory Williams, MD, MPH, participated by telephone.

Ten members were present constituting a quorum when the roll was called. A quorum was maintained throughout the meeting.

Staff Present:

Eileen Mederos, RN, Administrative Director
Christy Mayeux, Administrative Assistant
Ross Pottschmidt, Program Manager
Deborah Spann, RN, Tri Regional Coordinator
Gaynell Hunt, RN, Tri Regional Coordinator

Ted Colligan, RN, Tri Regional Coordinator
Virginia Pearson, Program Monitor

III. Approval of Agenda

A motion was made by Ross D. Judice, MD, and seconded by Michele Zembo, MD, to adopt the agenda as written. The motion was approved after a unanimous vote in the affirmative.

IV. Approval of Minutes

A draft of the minutes of the February 18, 2010, meeting of the Louisiana Emergency Response Network Board, copy attached hereto, was presented for approval. A motion was made by Christopher C. Baker, MD, and seconded by Margaret Collett, RN, JD, to accept the February 18, 2010 meeting minutes. The motion was approved after a unanimous vote in the affirmative.

V. Board of Education, LA Code of Ethics

Louisiana Ethics Board Attorney Courtney Jackson made a presentation on the Louisiana Code of Ethics.

Board Member Tricia Hensarling, LPC, arrived at 2:30 p.m.

VI. Region 1 Commission Membership

A motion was made by Norman E. McSwain, Jr., MD, and seconded by Christopher C. Baker, MD, to add a neurologist member and a cardiologist member to the Region 1 Commission. A motion to amend was made by Norman E. McSwain, Jr., MD, and seconded by Ross D. Judice, MD, to add a neurologist member and a cardiologist member to the membership of all regional commissions. All present, except Michele Zembo, MD, voted in favor of the motion as amended. Dr. Zembo voted "No." Motion carried.

Christel Slaughter of SSA Consultants suggested the development of regional commission procedures. A discussion was held regarding structural planning.

Board Member Peter Sullivan, MBA, left at 3:40 p.m.

VII. HR Policies

A motion was made by Ross D. Judice, MD, and seconded by William "Beau" Clark, Jr., MD, to adopt the following as policies of the Board, copies of which are attached hereto: Recoupment of Overpayments Policy; Overtime - Compensatory Time Policy; Probationary Period Policy; and Sexual Harassment Policy. The motion was approved after a unanimous vote in the affirmative.

VIII. Commission Requests

A motion was made by Ross D. Judice, MD, and seconded by William "Beau" Clark, Jr., MD, to appoint Larry Landry to the Region 4 Commission as the representative of the Governor's Office of Homeland Security and Emergency Preparedness. The motion was approved after a unanimous vote in the affirmative.

IX. Executive Director Report

A report was given by Eileen Mederos, RN, Administrative Director, on Call Center Volume and Fiscal Overview.

X. Design the System Work Group

No report was made.

XI. Legislation, Regulation & Policy Work Group

Board member Midge Collette reported regarding proposed legislation, including proposals for protection of data and clarification of commission memberships. Board Chair, Coletta Barrett, RN, MHA, explained the proposed legislation for trauma center designation. A meeting is scheduled for March 19, 2010 with the Governor's staff regarding LERN funding proposals.

Board Member Christopher C. Baker, M.D., left at 4:15 p.m.

XII. EMS Work Group

Ross D. Judice, M.D., discussed the development of a multiple casualty event protocol.

XIII. Board Chair

Board Chair Coletta Cooper Barrett, RN, MBA, reported on activities since the last Board meeting.

A motion was made by Norman E. McSwain, Jr., MD, and seconded by William "Beau" Clark, Jr., to propose legislation for ethics exceptions for LERN Board members. The motion was approved after a unanimous vote in the affirmative.

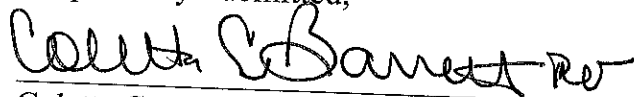
XIV. Public Comments

None.

XV. Adjournment

A motion to adjourn was made by Norman E. McSwain, Jr., MD, and seconded by Gary Peters. The motion was approved after a unanimous vote in the affirmative. The meeting adjourned at 4:30 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Coletta Cooper Barrett".

Coletta Cooper Barrett, RN, MHA
Chair



Minutes

Regular Meeting of Louisiana Emergency Response Network Board

Thursday, February 18, 2010 at 2:00 p.m.

held at:

LERN
14141 Airline Hwy., Building 1, Suite B
Baton Rouge, LA 70817

I. Welcome/Introductions

The February 18, 2010, regular meeting of the Louisiana Emergency Response Network (LERN) Board was called to order by Coletta Cooper Barrett, RN, MHA, Chair, at 2:10 p.m. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

The Chair introduced MaKesha Johnson, legislative assistant to Board member State Representative Regina Ashford Barrow.

II. Roll Call

Celia R. Cangelosi, Board Attorney, called the roll.

Attachment IV to Minutes of
LERN Board Meeting of 3/18/10

Members Present:

Coletta Cooper Barrett, RN, MHA, Chair
Thomas C. Arnold, MD
Christopher C. Baker, MD
Joel Eldridge, DO
Jimmy Guidry, MD
Ross D. Judice, MD
Norman E. McSwain, Jr., MD
Carl "Jack" Varnado, Jr.

Terri Brock arrived at 3 p.m.

Tricia Hensarling, LPC, arrived at 2:20 p.m.

Fred Martinez arrived at 2:45 p.m.

John Noble, Jr., MD, arrived at 2:35 p.m.

Peter Sullivan, MBA, arrived at 2:30 p.m.

Michele Zembo, MD, arrived at 2:22 p.m.

Members Absent:

Honorable Regina Ashford Barrow, Representative
Honorable Sherri Smith Cheek, Senator
William "Beau" Clark, Jr., MD
Margaret Collett, RN, JD
Mark Cooper
Honorable A. G. Crowe, Senator
Gary Peters
Jonathan Roberts, MD
Honorable Mack A. "Bodi" White, Jr., Representative
Mallory Williams, MD, MPH

Mallory Williams, MD, MPH, participated by telephone.

Eight members were present constituting a quorum when the roll was called. A

quorum was maintained throughout the meeting.

Staff Present:

Pamela Shaver, RN, MBA, Executive Director
Eileen Mederos, RN, Administrative Director
Ted Colligan, RN, Tri Regional Coordinator
Ross Pottschmidt, Program Manager
Christy Mayeux, Administrative Assistant
Virginia Pearson, Program Monitor

III. Approval of Agenda

A motion was made by Norman E. McSwain, Jr., MD, and seconded by Christopher C. Baker, MD, to adopt the agenda as written. The motion was approved after a unanimous vote in the affirmative.

IV. Approval of Minutes

A draft of the minutes of the December 17, 2009, meeting of the Louisiana Emergency Response Network Board, copy attached hereto, was presented to the Board for approval. Christopher Baker, MD, noted errors in the draft regarding members absent. A motion was made by Christopher C. Baker, MD, and seconded by Norman E. McSwain, Jr., MD, to accept the December 17, 2009 meeting minutes as corrected. The motion was approved after a unanimous vote in the affirmative.

V. Cardiologists

Murtuza J. Ali, MD, made a power point presentation on STEMI Systems of Care. Dr. Ali responded to questions. No formal action was taken by the Board.

Tricia Hensarling, LPC, arrived at 2:20 p.m.

Michelle Zembo, MD, arrived at 2:22 p.m.

Peter Sullivan, MBA, arrived at 2:30 p.m.

John Noble, Jr., MD, arrived at 2:35 p.m.

Fred Martinez arrived at 2:45 p.m.

VI. Executive Director Review

The Chair noted that only seven Board members had responded to the executive director review and announced that the executive director review forms would be resent to Board members to increase participation in the review process. Christopher C. Baker, MD, Fred Martinez, and Norman E. McSwain, Jr., MD, were appointed by the Chair to meet with the Executive Director and review the Board member response. Board members were encouraged to participate by completing the executive director review form.

VII. Election of Officers

Nominations for Chair were opened. Peter Sullivan, MBA, nominated Coletta Barrett, RN, MHA, to serve as Chair. Coletta Barrett, RN, MHA, agreed to serve if elected. John Noble, Jr., MD, moved to close nominations for chair and Carl "Jack" Varnado, Jr., seconded the motion. The motion was approved after a unanimous vote in the affirmative. Coletta Barrett, RN, MHA, was elected Board Chair.

Nominations for Vice Chair were opened. John Noble, Jr., MD, nominated Norman E. McSwain, Jr., MD. Norman E. McSwain, Jr., MD, agreed to serve if elected. A motion was made by Joel Eldridge, DO, and seconded by Carl "Jack" Varnado to close nominations. The motion was approved after a unanimous vote in the affirmative. Norman E. McSwain, Jr., MD, was elected Vice Chair.

Nominations for Secretary-Treasurer were opened. Norman E. McSwain, Jr., MD, nominated Fred Martinez. Fred Martinez agreed to serve if elected. No additional nominations were made. Fred Martinez was elected Secretary - Treasurer.

IX. Contracts

Advanced Trauma Life Support (ATLS) - LSU Shreveport
SSA Consultants
Celia Cangelosi

A motion was made by Carl "Jack" Varnado, Jr. and seconded by Michelle Zembo, MD, to authorize Pamela Shaver, RN, MBA, Executive Director, to negotiate, enter into and sign contracts on behalf of LERN for the following:

- (1) to lease space for the Shreveport Call Center at prices and upon terms to be approved by the State Office of Facilities Planning;
- (2) to enter into an amendment to the existing contract with SSA Consultants, LLC, which contract currently ends on April 1, 2010, to increase the term through June 30, 2010, and increase the maximum amount payable under the existing contract by 10% and facilitate continuation of services provided thereunder;
- (3) to amend the existing contract for professional legal services with Celia Cangelosi by increasing the maximum amount payable under the contract by \$35,000.00; and
- (4) to contract with Tulane School of Medicine as a sole source provider for ATLS courses in the event Louisiana State University Health Sciences Center-Shreveport is unable to provide ATLS courses.

The motion was approved after a unanimous vote in the affirmative.

Terry Brock arrived at 3:00 p.m.

A motion was made by Thomas C. Arnold, MD, and seconded by Carl "Jack" Varnado, Jr., that should lease negotiations fail for the direct leasing of the Shreveport Call Center space, to amend the current contract with Metro Ambulance Service Rural, Inc. d/b/a American Medical Response to require Metro Ambulance Service Rural, Inc., d/b/a American Medical Response to provide call center space. The motion was approved after a unanimous vote in the affirmative.

A motion was made by Jimmy Guidry, MD, and seconded by Joel Eldridge, DO, to authorize the Executive Director to redirect the training funds should proposed contracts for training with Louisiana State University Health Sciences Center-Shreveport and Tulane School of Medicine not be possible. The motion was approved after a unanimous vote in the affirmative.

IX. *RFP's*
Strategy Implementation Support

A motion was made by Peter Sullivan, MBA, and seconded by Thomas C. Arnold, MD, to authorize the Executive Director to develop and post a RFP for strategy implementation support beginning July 1, 2010. The motion was approved after a unanimous vote in the affirmative.

X. Work Group Charters

Board Chair Coletta Barrett, RN, MHA, outlines the description and charters of the following LERN Work Groups, a copy of which is attached:

- 1) Design the System Work Group;
- 2) Data Collection/Management and Process Improvement Work Group;
- 3) Legislative, Policy and Regulatory Work Group;
- 4) Emergency Medical Services and Time Sensitive Illness Work Group; and
- 5) Finance and Contracting Committee.

XI. HR Policies

A motion was made by Arnold and seconded by John Noble, Jr., MD, to adopt the following policies: Americans with Disabilities; Computer Usage; Employee Grievance Policy; Possession of Firearms; Violence-Free Workplace; and Unscheduled Absenteeism, copies of which are attached hereto. The motion was approved after a unanimous vote in the affirmative.

XII. Commission Requests

A representative of the Region 6 regional commission presented the requests of the Region 6 Commission for the additional commission members. A copy of the written request is attached hereto.

A motion was made by John Noble, Jr., MD, and seconded by Carl "Jack" Varnado, Jr., to add a military representative to the commission memberships. The motion was approved after a unanimous vote in the affirmative.

A motion was made by Thomas C. Arnold, MD, and seconded by Fred Martinez to add a nurse from the emergency or trauma nursing profession to commission membership. The motion was approved after a unanimous vote in the affirmative.

A motion was made by Carl "Jack" Varnado, Jr., and seconded by Joel Eldridge, DO, to add Jude A. Moreau as a representative of Louisiana Chapter of the National Emergency Number Association to Region 4. The motion was approved after a unanimous vote in the affirmative.

A motion was made by Arnold and seconded by Michelle Zemo, MD, to add Jeremy Timmer, MD, as a representative of Louisiana State Medical Society to Region 6. The motion was approved after a unanimous vote in the affirmative.

XIII. Executive Director

Executive Director Pamela Shaver, RN, MBA, rendered the Executive Director report, a copy of which is attached hereto.

Terri Brock left at 4:30 p.m.

Christopher C. Baker, MD, left at 4:40 p.m.

Eileen Mederos, RN, Administrative Director, reported on call center operations and work of the regional commissions.

XIV. Design the System Work Group

This item was deferred.

XV. Board Chair

The Board Chair proposed revision to the LERN logo. A motion was made by Thomas C. Arnold, MD, and seconded by John Noble, Jr., MD, to modify the LERN logo as suggested. The motion was approved after a unanimous vote in the affirmative.

Board Chair, Coletta Barrett, RN, MBA, requested individual Board member participation in LERN ongoing efforts.

XVI. Public Comments

Chip Thompson, Bureau of Primary Care, Rural Health, made public comments.

XVII. Confirmation of Next Board Meeting Date

The next Board meeting will be March 18, 2010 at 2:00 p.m.

XVIII. Adjournment

A motion was made by Thomas C. Arnold, MD, and seconded by Carl "Jack" Varnado, Jr., to adjourn the meeting. The motion was approved after a unanimous vote in the affirmative. The meeting was adjourned at 5:10 p.m.

Respectfully Submitted,

Coletta Cooper Barrett, RN, MHA
Chair



Minutes

Regular Meeting of Louisiana Emergency Response Network Board

Thursday, December 17, 2009 at 2:00 p.m.

held at:

SSA Consultants
9331 Bluebonnet Blvd.
Baton Rouge, LA 70810

I. Welcome/Introductions

The December 17, 2009, regular meeting of the Louisiana Emergency Response Network (LERN) Board was called to order by Coletta Cooper Barrett, RN, MHA, Chair, at 2:13 p.m. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

II. Roll Call

Celia R. Cangelosi, Board Attorney, called the roll.

Members Present:

Coletta Cooper Barrett, RN, MHA, Chair
Thomas C. Arnold, MD

Attachment IV to Minutes of
LERN Board Meeting of 2/18/10

Joel Eldridge, DO
Ross D. Judice, MD
Fred Martinez
Norman E. McSwain, Jr., MD
John Noble, Jr., MD
Peter Sullivan, MBA

Christopher C. Baker, MD, arrived at 2:20 p.m.

Michele Zembo, MD, arrived at 2:34 p.m.

William "Beau" Clark, Jr., MD, arrived at 2:40 p.m.

Jimmy Guidry, MD, arrived at 2:40 p.m.

Members Absent:

Honorable Regina Ashford Barrow, Representative
Terri Brock
Honorable Sherri Smith Cheek, Senator
Margaret Collett, RN, JD
Mark Cooper
Honorable A. G. Crowe, Senator
Tricia Hensarling, LPC
Gary Peters
Jonathan Roberts, MD
Honorable Mack A. "Bodi" White, Jr., Representative
Mallory Williams, MD, MPH
Carl "Jack" Varnado, Jr.

Mallory Williams, MD, MPH, participated by telephone.

Eight members were present constituting a quorum when the roll was called. A quorum was maintained throughout the meeting.

Staff Present:

Pamela Shaver, RN, MBA, Executive Director
Eileen Mederos, RN, QI/PI Systems Director

Gaynell Hunt, RN, Tri Regional Coordinator
Ted Colligan, RN, Tri Regional Coordinator
Deborah Spann, RN, Tri Regional Coordinator
Ross Pottschmidt, Program Manager
Christy Mayeux, Administrative Assistant
Virginia Pearson, Program Monitor

III. Approval of Agenda

A motion was made by Norman E. McSwain, Jr., MD, and seconded by John Noble, Jr., MD, to adopt the agenda as written. The motion was approved after a unanimous vote in the affirmative.

IV. Approval of Minutes

A draft of the minutes of the November 19, 2009, meeting of the Louisiana Emergency Response Network Board, copy attached hereto, was presented to the Board for approval. A motion was made by Norman E. McSwain, Jr., MD, and seconded by Joel Eldridge, DO, to accept the November 19, 2009 meeting minutes as written. The motion was approved after a unanimous vote in the affirmative.

VI. Charters for LERN Workgroups

Coletta Cooper Barrett, RN, MHA, Chair, discussed plans to develop standardized charters for the various workgroups to be presented at the January meeting.

VII. Executive Director Review

Coletta Cooper Barrett, RN, MHA, Chair, discussed the process to be used for Executive Director Review. An evaluation form will be sent to Board members. The results will be reviewed by the Board at the February Board meeting.

Christopher C. Baker, MD, arrived at 2:20 p.m.

VIII. Board Nominations and Elections for Officers

Board Attorney Celia Cangelosi explained the procedure for Board nominations and

elections. Elections will be held at the January Board meeting.

LX. Strategic Direction

Coletta Cooper Barrett, RN, MHA, Chair, presented the following four strategic priorities for LERN:

- 1) Establish and execute LERN's regulatory authority;
- 2) Secure substantial funding;
- 3) Build trauma care and time sensitive illness capacity; and
- 4) Develop and implement outreach strategy.

A motion was made by Norman E. McSwain, Jr., MD, and seconded by Ross D. Judice, MD, to recognize and adopt the four strategic priorities for LERN as listed above. The motion was approved after a unanimous vote in the affirmative.

Michele Zembo, MD, arrived at 2:34 p.m.

Jimmy Guidry, MD, and William "Beau" Clark, Jr., MD, arrived at 2:40 p.m.

X. Proposed Legislative Agenda for 2010

Norman E. McSwain, Jr., MD, reported the recommendation of the Design the System Work Group that the following be presented to the Department of Health and Hospitals as central components of a proposed legislative package designed to create the authority and infrastructure LERN needs to develop a statewide system for trauma and time-sensitive illness:

- 1) **LERN Designated as the System Lead Agency** - provides LERN with the regulatory authority to develop, govern, and administer the statewide trauma & time-sensitive illness system.
- 2) **Designation of Trauma Centers** - amend current Louisiana statute for licensure of trauma centers to include LERN requirements for full participation

in the statewide trauma system and the regional trauma advisory commissions. The revised statute would include Level I, Level II, and Level III trauma centers as defined by ACS standards. The state designation system would utilize the ACS verification process in lieu of designing and administering a unique Louisiana system for verifying that applicant hospitals meet ACS standards. The language of this amended statute would be made deliberately broad to allow for development of comparable infrastructure for STEMI and Stroke Centers.

- 3) **Develop Trauma System Fund** - establish a dedicated trauma system fund, establish a formula for distribution of all monies deposited in this new fund, and provide LERN the authority to distribute all monies deposited into the fund.
- 4) **Confidentiality/Legal Protection** - extend legal protection to LERN, LERN participating provider organizations, LERN-related entities (such as the LERN regional advisory commissions), and the statewide trauma & time-sensitive illness registry. This legal protection would be designed to support the ongoing monitoring and improvement of the system & quality of care.
- 5) **Statewide LERN Registry** - establish requirements for the development and operation of a statewide registry that would be utilized to support ongoing system planning, evaluation, research, and performance improvement. All state-designated trauma centers would be required to contribute specified data elements to the state LERN registry. Nationally recognized data sets will be utilized to develop the data set for this statewide registry.
- 6) **LERN's Regional Advisory Commissions** - develop a set of specific responsibilities that attach to the regional commissions including regional education, evaluation, performance improvement, and reporting requirements.

A motion was made by Norman E. McSwain, Jr., MD, and seconded by Christopher C. Baker, MD, to accept the Design the System Work Group recommendations for the legislative agenda. The motion was approved after a unanimous vote in the affirmative.

V. Clarification of Board Notification For Material Changes in LERN Budget

William "Beau" Clark, Jr., MD, stated his desire to receive only a summary of information regarding the budget. Jimmy Guidry explained the budget process. It was clarified that Board members will be informed of budget matters on a summary basis.

XI. Shreveport Call Center

A motion was made by Christopher C. Baker, MD, and seconded by John Noble, Jr., MD, to authorize the LERN Executive Director to negotiate and enter into a lease for the Call Center in Shreveport. The motion was approved after a unanimous vote in the affirmative.

XII. Potential Emergency Extension of AMR Contract

A motion was made by Peter Sullivan and seconded by Michele Zembo, MD, to authorize Pamela Shaver, RN, MBA, Executive Director, to enter into a four month extension of the existing AMR contract on behalf of LERN with American Ambulance Service (Rural), Inc., doing business as American Medical Response (AMR), in the event the contract under the recent RFP is not timely approved by the State. The motion was approved after a unanimous vote in the affirmative.

XIII. RFP's

A motion was made by Norman E. McSwain, Jr., MD, and seconded by Thomas C. Arnold, MD, to develop three RFP's for up to \$200,000 each to begin strategic priorities this fiscal year, approved for next year: (1) for a trauma registrar, (2) for rural trauma education and (3) for assisting qualified medical centers in obtaining trauma center verification. The motion was approved after a unanimous vote in the affirmative.

XIV. Commission Leader Reports

Reports were given to the Board by the following regions:

Region 1 - Joseph Uddo, MD, Chair;

Region 2 - Dr. Will Freeman, Vice Chair;

Region 4 - Dr. Olivier, Chair;

Region 5 - Tressie Bergeron, RN, member of Commission;

Region 6 - Sharon Lacombe, Chair;

Region 7 - Gary Jones, commission member;

Region 8 - reported by Deborah Spann, Tri-Regional coordinator; and

Region 9 - Dr. Jay Smith, Chair.

John Noble, Jr., MD, and Peter Sullivan left the meeting at approximately 4:00 p.m.

Christopher C. Baker, MD, left the meeting at 4:30 p.m.

Coletta Cooper Barrett, RN, MHA, Chair, thanked the Commissions for their hard work and advised that the these reports would be considered annual reports.

XVII. Design the System Work Group

**Job Description for Medical Director*

A motion was made by Norman E. McSwain, Jr., MD, and seconded by Thomas C. Arnold, MD, to accept the job description for Medical Director, copy attached hereto, recommended by from the Design the System Work Group. The motion was approved after a unanimous vote in the affirmative.

A motion was made by Michele Zembo, MD, and seconded by Ross D. Judice, MD, to amend the job description to require administrative experience/preferred system level experience and preferred MPH or MBA for the position of the Medical Director. Eldridge - yeah; Martinez - yeah; Clark - yeah; Zembo - yeah; McSwain - nay; Barrett - nay; Arnold - nay; and Judice - nay. The motion failed.

XV. Executive Director Report

Pamela Shaver, RN, MBA, Executive Director, reported to the Board on activities occurring since the last Board meeting. A copy of the written report is attached hereto.

XVI. Legislative and Regulatory Work Group

This matter was deferred.

XVIII. Executive Director Report

Coletta Cooper Barrett, RN, MHA, Chair, thanked the representatives from the regional commissions.

XIX. Public Comments

Chip Thompson of DHH Bureau of Primary Care - Rural Health, Flex Federal Funding, expressed a desire to work with LERN and indicated that he would schedule a meeting.

XVI. Next Meeting Date

No action.

XVII. Adjournment

The meeting was adjourned at 4:52 p.m.

Respectfully Submitted,

Coletta Cooper Barrett, RN, MHA
Chair

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Minutes

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held at:

SSA Consultants
9331 Bluebonnet Blvd.
Baton Rouge, LA 70810

I. Welcome/Introductions

The November 19, 2009, regular meeting of the Louisiana Emergency Response Network (LERN) Board was called to order by Coletta Cooper Barrett, RN, MHA, Chair, at 2:05 p.m. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

II. Roll Call

Celia R. Cangelosi, Board Attorney, called the roll.

Members Present:

Coletta Cooper Barrett, RN, MHA, Chair
William "Beau" Clark, Jr., MD
Joel Eldridge, DO

Attachment IV to Minutes of
LERN Board Meeting of 12/17/09

Tricia Hensarling, LPC
Fred Martinez
Gary Peters
Peter Sullivan, MBA
Honorable Mack A. "Bodi" White, Jr., Representative
Carl "Jack" Varnado, Jr.
Michele Zembo, MD

Christopher C. Baker, MD, arrived at 2:08 p.m.

Ross D. Judice, MD, arrived at 2:15 p.m.

Norman E. McSwain, Jr., MD, Vice Chair, arrived at 2:58 p.m.

Members Absent:

Thomas C. Arnold, MD
Honorable Regina Ashford Barrow, Representative
Terri Brock
Honorable Sherri Smith Check, Senator
Margaret Collett, RN, JD
Mark Cooper
Honorable A. G. Crowe, Senator
Jimmy Guidry, MD
John Noble, Jr., MD
Jonathan Roberts, MD
Mallory Williams, MD, MPH

Ten members were present constituting a quorum when the roll was called. A quorum was maintained throughout the meeting.

Staff Present:

Pamela Shaver, RN, MBA, Executive Director
Eileen Mederos, RN, QI/PI Systems Director
Gaynell Hunt, RN, Tri Regional Coordinator
Ted Colligan, RN, Tri Regional Coordinator
Deborah Spann, RN, Tri Regional Coordinator
Ross Pottschmidt, Program Manager

Christy Maycux, Administrative Assistant
Virginia Pearson, Program Monitor

III. Approval of Agenda

A motion was made by Gary Peters and seconded by Carl "Jack" Varnado, Jr., to adopt the agenda as written and to allow the Chair the flexibility to re-order the agenda as needed. The motion was approved after a unanimous vote in the affirmative.

IV. Approval of Minutes

A draft of the minutes of the September 17, 2009, meeting of the Louisiana Emergency Response Network Board, copy attached hereto, was presented to the Board for approval. A motion was made by Fred Martinez and seconded by Joel Eldridge, DO, to accept the September 17, 2009 meeting minutes as written. The motion was approved after a unanimous vote in the affirmative.

V. Overview of Strategic Direction from September Meeting

A presentation was made by Christel Slaughter of SSA Consultants outlining LERN's four Strategic Priorities, as attached hereto. A discussion was had and suggestions made as to how to modify the priorities set forth. SSA Consultants will continue to work on this and present at a later meeting.

Coletta Barrett, RN, MHA, Board Chair, advised the Board of the need to address the Board's current committee of Design the System Work Group and Legislative and Regulatory Policy Work Group, and to consider establishing Data and Performance Improvement Work Group. The Chair advised that recommendations will be presented at the next meeting. Board members were requested to advise the Chair if they desired to serve on a work group.

VI. Legislative, Regulatory, and Policy Work Group - Proposed Legislation

Rudy Gomez of SSA Consultants presented "New Trauma Legislation 2009 - State Comparison Matrix," attached hereto. Mr. Gomez advised that the legislative work should be finalized in the next week or two, and would then be presented to Design the System Work Group for review. Mr. Gomez also advised that an outline of proposed legislation

would be available by year end and be presented to Department of Health and Hospitals.

VIII. Call Center Staffing Contract

Pam Shaver, RN, MBA, Executive Director, advised the Board that negotiations are underway with Metro Ambulance Service (Rural), Inc., doing business as American Medical Response (AMR) for call center staffing.

A motion was made by Fred Martinez and seconded by Christopher C. Baker, MD, for Executive Director Pam Shaver, RN, MBA, to sign and enter into a contract on behalf of LERN with Metro Ambulance Service (Rural), Inc., doing business as American Medical Response (AMR), not to exceed the amount set forth on the attached document. The motion was approved after a unanimous vote in the affirmative.

IX. Ratification of Commission Nominees

A motion was made by Gary Peters and seconded by Carl "Jack" Varnado, Jr., to appoint the following members to the various regional commissions:

- Dominique Bonvillain, as member of Region 3 Commission, as the appointee representing the National Emergency Number Association;
- Bertrand Foch, MD, as member of Region 5 Commission, as the appointee representing OPII Regional Medical Director;
- Octavia Jackson, as member of Region 6 Commission, as the appointee representing the Louisiana Ambulance Alliance; and
- Angela Bonaguerra, MD, as member of Region 9 Commission, as the appointee representing the American College of Surgeons.

The motion was approved after a unanimous vote in the affirmative.

XI. FY 2010-2011 Budget Proposal

Pamela Shaver, RN, MBA, Executive Director, presented documents entitled LERN FY 2011 Budget Overview, attached hereto.

Norman E. McSwain, Jr., arrived at the meeting at 2:58 p.m.

A discussion was held on the budget proposal. A motion was made by Representative Mack A. "Bodi" White, Jr. and seconded by Michele Zembo, MD, to approve the Budget Overview proposal. The motion was approved after a unanimous vote in the affirmative.

Board members advised the Executive Director that they wished to be notified when any budget questions arise. Executive Director Shaver responded that emails would be sent to all Board members at every part of the budget process.

VII. Design the System Work Group

Norman E. McSwain, Jr., MD, presented the recent work of the Design the System Work Group which work resulted in the Design the System Work Group recommending the attached job descriptions for LERN Medical Director and Medical Consultants.

Representative Mack A. "Bodi" White, Jr., left the meeting at 3:25 p.m.

From results of discussions had, the Design the System Work Group will work to revise the Medical Director job description.

X. Medical Consultant Contract

The attached information was provided for Medical Consultant for Call Centers by Pamela Shaver, RN, MBA, Executive Director. Discussion was had on this matter.

A motion was made by Norman E. McSwain, Jr., MD, and seconded by Ross D. Judice, MD, to authorize Pamela Shaver, RN, MBA, Executive Director, to enter into contracts to provide for medical consultant services beginning January 1, 2010, as set forth in the attachment. The motion was approved after a unanimous vote in the affirmative.

XII. Executive Director Report

Pamela Shaver, RN, MBA, Executive Director, reported to the Board on activities occurring since the last Board meeting. A copy of the written report is attached hereto.

Bileen Mederos, RN, QI/PI Systems Director, reported on activities of the regional

commissions.

XII. Board Chair Report

Coletta Cooper Barrett, RN, MHA, Chair, reported on activities occurring since the last Board meeting. The Board was advised that elections for officers would occur at the January, 2010 meeting. Board members were advised that evaluation of the executive director would occur in February, 2010.

XIV. Special Recognition

Board Chair gave special recognition to Chris Trevino, MD/Ph.D., FACEP, and Joey Branton from Medical Emergency Disaster Consulting Services (MEDCS LLC).

XV. Public Comments

Chip Thompson of the Bureau of Primary Care & Rural Health advised the LERN Board about the work of his bureau and its willingness to cooperate with LERN.

XVI. Next Meeting Date

It was announced that the next Board meeting would be December 17, 2009 at 2 p.m. at SSA Consultants, with a meeting with Regional Commission Chairs and members at 1 p.m.

XVII. Adjournment

A motion was made by Carl "Jack" Varnado, Jr., and seconded by Gary Peters to adjourn at 4:18 p.m. The motion was approved after a unanimous vote in the affirmative.

Respectfully Submitted,

Coletta Cooper Barrett, RN, MHA
Chair

LERN Executive Director Board Report

December 17, 2009

Budget & Financial Performance

- FY 2010 budget and expenditures as outlined in FY10 Fiscal Overview –Budgeted funds of \$3,759,623 were reduced by \$119,738 as of 12.14 as required by DOA. This reduction was achieved by un-encumbering \$17,000 for the current call center staffing contract that have not been spent for emergency operations, un-encumbering \$99,738 in the future call center staffing contract for emergency operations and call volume increases and reducing budgeted dollars for contracts for Trauma Registrar, Trauma Center Verification Assistance, and Rural Trauma Education by \$3,000.

Lease & Move Update

- Our move to our new location in Barringer Foreman Technology Park on Airline Highway is complete. Motorola training on the Call Center equipment is complete with Call Center to begin operations from our new location on 12.21 at 12 noon. Partners from State OTM and Motorola will be on sight for support as needed.

Contracts

- The current call center staffing contract with AMR may be extended if contracts in progress are not able to be approved through the State's contract management department by 12.31.09. If this extension is necessary, it will be stopped as soon as the necessary contracts are approved.
- The contracts in progress that were approved at the November Board Meeting include, the new call center staffing contract with AMR, the contract for Medical Consultant for the Call Centers, and a lease agreement with the LSU – Shreveport Foundation to lease the space occupied by the Call Center since 2008 in the Poison Control Center directly.
- In support of the strategic plan I would like to move forward to write and post 3 separate RFPs for contracts to provide LERN Registry Planning and Development Services, Hospital Verification Assistance, and Rural Trauma Education Classes as the budget allows in this fiscal year.

1

Attachment XV to Minutes of
LERN Board Meeting of 12/17/09

Strategic Administrative Meetings

- Sandy Deslatte – Contractor providing LERN's communication plan on with C. Slaughter on 11.20 to discuss priorities and provide information for development of plan.
- Board Member meetings to discuss LERN's future strategy – J. Varnado & M. Colett on 12.1, R. Judice on 12.8, and F. Martinez on 12.9.
- Ed Giering of BRAF to discuss process for setting up 501C-3 for foundation funds with C. Barrett and C. Slaughter on 12.7.
- EMS Work Group led by R. Judice and facilitated by C. Slaughter on 12.8.
- Dr. Hines and L. Welch of the Louisiana Rural Hospital Coalition to discuss LERN's future strategy with F. Martinez and C. Barrett.
- T. Coker, D Lemoine, and Dr. P. Lindsey of Rapides General to discuss Level II ACS Trauma Center Verification on 12.14 with E. Mederos and D. Spann.

FY10 Fiscal Overview

as of 11/30/09

Object Category	Budget Amount	Encumbered	Expended	Balance
Personal Services which includes Salaries, Wages and Related Benefits	\$769,733.00	\$0.00	\$286,671.55	\$483,061.45
Travel to include in-state and out of state	\$79,840.00	\$0.00	\$11,313.58	\$68,526.42
Operating Services to include advertising, printing, maintenance, rent, postage, utilities, telephone service other than OTM	\$299,000.00	\$59,723.13	\$151,437.48	\$87,839.39
Supplies to include general and computer	\$56,007.00	\$15,325.00	\$4,055.27	\$36,626.73
Professional Services to include Legal and Medical	\$2,057,528.00	\$738,026.37	\$449,428.63	\$870,073.00
Other Charges to include Miscellaneous charges, Public Education	\$12,000.00	\$0.00	\$246.00	\$11,754.00
Acquisitions and Major Repairs	\$450,517.00	\$401,526.06	\$10,278.00	\$38,712.94
Interagency Transfer to include telephone service	\$34,998.00	\$0.00	\$11,863.04	\$23,134.96
TOTALS	\$3,759,623.00	\$1,214,600.56	\$925,293.55	\$1,619,728.89

Note: Budget Amount includes Carryforward Request approved by the Legislature on 8/14/09 for \$319,843.00. Expenditures also include these items as encumbrances carried forward.

Note: Budget Adjustment (EB) approved 9/1/09 to move funds from Professional Services (\$340,000.00) to Operating Services (Lease Space Improvements - \$120,000.00 and Generator Installation Estimate - \$59,000.00), Acquisitions (Generator - \$36,000.00 and Furniture Purchase - \$110,000.00) and IAT (Additional Call Center T-1 lines - \$15,000.00).

Note: Overview reflects Executive Order BJ2009-11 Limited Hiring Freeze reduction in Personal Services of \$231,656.00.

LERN Call Center Patient Routing Statistics January 2008 to December 2009

Regions	Region 2	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	
Go Live	1/19/09	7/1/08	10/20/08	2/9/09	1/20/08	5/18/09	6/15/09	Totals
Jan-08					3			3
Feb-08					12			12
Mar-08					13			13
Apr-08					7			7
May-08					14			14
Jun-08					14			14
Jul-08		332			11			343
Aug-08		324			10			334
Sep-09		196			13			209
Oct-08		236	34		7			277
Nov-08		209	97		13			319
Dec-08		229	75		5			309
Jan-09	140	180	68		4			392
Feb-09	385	229	48	67	3			732
Mar-09	321	239	79	116	10			765
Apr-09	279	244	93	111	6			733
May-09	271	266	109	152	19	101		918
Jun-09	240	237	109	144	11	172	65	978
Jul-09	253	232	129	79	10	143	122	968
Aug-09	243	274	153	133	16	112	131	1062
Sep-09	231	273	116	118	10	58	124	930
Oct-09	172	213	129	100	6	71	97	788
Nov-09	193	214	126	125	4	75	136	873
Dec 1-15-09	72	99	41	40	1	27	61	341
Totals	2800	4226	1406	1185	201	759	736	11313

Month	MD Calls	Admin Calls	Case Reviews
Sep-09	11		
Oct-09	15	13	36
Nov-09	10	4	22
Dec 1-15-09	1	1	3

Job Description

LERN Medical Director

The Louisiana Emergency Response Network Medical Director provides advice and consultation to the Louisiana Emergency Response Network (herein known as LERN) to accomplish its mission to safeguard the public health, safety, and welfare of the people of the state of Louisiana against unnecessary trauma and time-sensitive related deaths or morbidity due to trauma and time-sensitive illness through the development and implementation of a system that facilitates, promotes, and ensures quality care for trauma and time-sensitive illness through planning, preparedness, and quality assurance. This includes quality assurance, and corrective steps and education. Specifically, the State Medical Director participates with the LERN Board, staff, and appropriate Board workgroups such as the Design the System Workgroup. They perform consulting functions in support of the LERN Strategic Plan, the applicable strategies detailed in that plan and other system activities as deemed appropriate by LERN.

The LERN Medical Director shall be a physician appointed by the LERN Executive Director on behalf of the Board of Directors to be in charge of overseeing medical aspects of the Louisiana Emergency Response Network in providing for the development, implementation, and support of a statewide system. This system will ultimately provide for a continuum of care related to trauma and time sensitive illness and will include education for prevention, access to care in a seamless coordinated manner for trauma patients and patients suffering from time sensitive illnesses based upon the participation of public and private pre-hospitals, acute hospitals, (Emergency department, Operating room, intensive care, daily care and rehabilitation services located throughout Louisiana. Additionally, the system will provide support for disaster preparedness and response and will be compatible and interfaced with the Louisiana Military Department, Office of Homeland Security, and Emergency Preparedness.

The LERN Medical Director shall have the following qualifications:

- A valid license to practice medicine in the State of Louisiana;
- Minimum of 5 years full-time experience in General Surgery, Critical Care, or Emergency Medicine with Board Certified in specialty;
- Experience in working with pre-hospital providers, field triage guidelines, Emergency resuscitation (including damage control resuscitation), critical assessment, operative management (Damage Control Surgery and routine surgical procedures), critical care and hospital providers(neurosurgery, neurology, endocrine, cardiac);
- Experience and understanding of research techniques and adequacy of research

Experience and understanding in quality assurance and quality improvement programs and how the meet the needs of LERN

- Proven ability to interact with emergency physicians, cardiologist, neurologist, trauma surgeons
- Experience in administration and management with strong interpersonal skills; and
- Leadership qualities.

A. Services to be provided:

- 1) The LERN Medical Director shall render general and specialized medical advisory consultation to LERN and its call centers regarding protocols and standards of care.
- 2) As requested by LERN, the Medical Director will provide professional medical consultation to LERN regarding the delivery of health care in the pre-hospital setting, trauma center setting, rehabilitation setting and hospital setting related to trauma and time-sensitive illness. The Medical Director will assist in the development of LERN's position on issues related to trauma and time-sensitive illness and when requested will represent LERN to explain LERN's medical program and policy positions before various medical, private, legislative, and governmental organizations. When requested, they may function as an expert witness under the direction of LERN's attorney in any litigation involving LERN, including administrative hearings.
- 3) As requested by LERN, the Medical Director will provide appropriate medical expertise to serve as a medical/surgical liaison between LERN and the various professional and civic organizations having an impact on the delivery of care for patients experiencing trauma and time-sensitive illness in Louisiana.
- 4) As requested by LERN, the Medical Director will provide professional medical/surgical consultation to LERN on a recommended medical position and direction to take with respect to regulatory actions, Louisiana Statutes, and the rules of LERN.
- 5) As requested, the LERN Medical director will participate in educational courses such as PHTLS, ATLS, ACLS, ATOM, ASSET and other stroke and cardiac as may be identified
- 6) As requested, the LERN medical director will participate in the construct and design of registry programs to assess quality of patient care rendered (Quality Assurance), and will conduct such studies as LERN deems necessary to determine the adequate function of LERN as a system and the trauma system, stroke system and STEMI system as a whole
- 7) As requested, the LERN Medical Director will participate in local and national research projects and will present such research at local, national and international scientific/ educational meetings
- 8) As requested by LERN, the Medical Director will consult with and provide effective leadership of workgroups as appropriate and assist staff in administering the statutes and the rules of LERN.
- 9) As requested by LERN, the Medical Director, will provide medical expertise and assistance as available in support of disaster response as requested by the State Medical Officer.

B. Method of Payment:

- 1) Compensation for work hours will be paid an hourly rate of \$125. Payment shall be prorated at \$31.25 per quarter hour not to exceed 1,040 hours per year.
- 2) The Medical Director will provide necessary and accurate invoice and timesheet information to the Executive Director, LERN, or their designee bi-weekly. Failure to do so can jeopardize payment. Any payment due may be withheld until appropriate records are submitted, verified, and processed.
- 3) The Medical Director authorizes that upon request by LERN, they may be required to provide written documentation for audit trail purposes of specific time and duties performed.

C. Travel:

- 1) Travel shall be authorized and reimbursed per the contract provisions and the limits established by Louisiana's rules and policies.

D. Conflict of Interest:

- 1) If at any time, at its sole discretion, LERN determines that there might be, or might appear to be, a conflict of interest by the LERN Medical Director through this appointment, LERN may request that the Medical Director, on five days written notice, provide a written explanation. If such requested written explanation is not received timely (within 10 calendar days of the request) or if the explanation is determined to be unacceptable or inadequate, the Medical Director's appointment can be terminated at the discretion of LERN.

E. Other Issues:

- 1) HIPPA – Consultants will be required to abide by HIPPA regulations and related regulations as they relate to LERN.

LERN Board of Directors Work Groups

Description and Charters

The purpose of having work groups is to create small groups of individuals that are experts in particular areas to focus efforts and attention in giving direction and advice to the LERN staff in support of LERN's Strategic Plan. These groups will have a designated chairperson that leads the group and will be responsible for reporting the progress of the group to the LERN Board. These work groups are to function in parallel with other work groups and members of the board or other work groups will be asked to participate ad hoc at the request of the chairperson. The creation or dissolution of the work groups is the responsibility of the LERN Board. LERN will supply at least one staff person to attend and participate in each work group meeting. Work Groups are just that, and therefore are not required to follow state rules regarding a "meeting".

Design the System Work Group (Chairperson –Norman McSwain, M.D.)

Objectives:

1. Review the Strategic Plan of LERN and provide policy oversight, advice, and direction in the overall build out of LERN's statewide system.
2. Review and advise on policy-related Standard Operating Procedures for LERN when applicable.
3. Review requests from the Regional Commission and provide policy oversight, advice, and direction in response to the requests in consideration of the statewide system.
4. Provide clinical expertise as needed in support of LERN's Strategic Plan.

Data Collection/Management and Process Improvement Work Group (Chairperson -TBD)

Objectives:

1. Provide policy oversight, advice and direction related to Data Collection and Process Improvement processes in support of LERN's Strategic Plan.
2. Review the policy- related Standard Operating Procedures with regard to Data Collection/Management and Process Improvement for LERN when applicable.
3. Review Data Collection/Management and Process Improvement requests from the Regional Commission Chairs, Hospitals, and EMS agencies and provide policy oversight, advice, and direction in response to the requests in consideration of the statewide system.
4. Provide data collection/management, process improvement, and information technology expertise as needed in support of LERN's Strategic Plan.

Legislative, Policy and Regulatory Work Group (Chairperson - Midge Collet)

Objectives:

1. Provide policy oversight, advice and direction related to matters of Legislation, Policy, and Regulation in support of LERN's Strategic Plan.
2. Review the policy-related Standard Operating Procedures with regard to matters of Legislation, Policy, and Regulation for LERN when applicable.
3. Review Legislation, Policy, and Regulation requests from the Regional Commission Chairs, Hospitals, and EMS agencies and provide policy oversight, advice, and direction in response to the requests in consideration of the statewide system.
4. Provide legislative, policy, and regulatory expertise and support as needed in support of LERN's Strategic Plan.

Emergency Medical Services and Time Sensitive Illness Work Group (Chairperson – Ross Judice, MD)

Objectives:

1. Provide policy oversight, advice and direction related to Emergency Medical Services and Time Sensitive Illness in support of LERN's Strategic Plan.
2. Review the policy related Standard Operating Procedures with regard to Emergency Medical Services and Time Sensitive Illness when applicable.
3. Review Emergency Medical Services and Time Sensitive Illness requests from the Regional Commission Chairs, Hospitals, and EMS agencies and provide policy oversight, advice, and direction in response to the requests in consideration of the statewide system.
4. Provide emergency medical services and time sensitive illness expertise and support as needed in support of LERN's Strategic Plan.

Finance and Contracting Committee (Chairman – Fred Martinez)

1. Provide policy oversight, advice and direction related to Finance and Contracting in support of LERN's Strategic Plan.
2. Review the policy related Standard Operating Procedures related to Finance and Contracting when applicable.
3. Review Finance and Contracting communications with DHH, DOA, and the Legislature and provide policy oversight, advice, and direction in response to the requests/communications in consideration of the statewide system.
4. Provide finance and contracting expertise and support as needed in support of LERN's Strategic Plan.

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

EFFECTIVE DATE: _____, 2010

SUBJECT: AMERICANS WITH DISABILITIES ACT

AUTHORIZATION: PAMELA G. SHAVER, EXECUTIVE DIRECTOR

PHILOSOPHY

Historically, society has tended to isolate and segregate individuals with disabilities. Despite improvements, such discrimination against Americans with physical or mental disabilities continues to be a serious and pervasive social problem. The Americans with Disabilities Act (ADA) and the related Amendment Act of 2008 are intended to assure quality of opportunity, full participation, independent living and economic self-sufficiency for disabled individuals. The Louisiana Emergency Response Network (LERN) is fully supportive of these goals and will ensure that disabled individuals are afforded equal opportunities in all areas of employment.

NON-DISCRIMINATION

LERN will not discriminate against an individual because of a disability in any employment practice, including recruitment, pay, hiring, firing, promotion, job assignment, training, leave, layoffs, benefits and all other employment related activities. Applicants and employees should realize, however, that the ADA does not interfere with LERN's right to hire or promote the best qualified individual.

WHO IS PROTECTED?

The ADA protects qualified individuals with disabilities. A "qualified individual with a disability" is an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the position that he/she holds or desires **and** who, with or without reasonable accommodation, can perform the essential functions of the position. Under the ADA, a person has a "disability" if:

A. The individual has a physical or mental impairment which substantially limits a major life activity. "Major life activities" fall into two categories:

1. Impairments (orthopedic, speech, epilepsy, heart disease, diabetes, etc.) which substantially limit/materially restrict an individual's ability to perform activities which an average person can do with little or no difficulty, or significantly restrict the conditions, manner or duration under which he/she can perform major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, eating, sleeping, standing, lifting, bending, reading,

Attachment XI - 1 of 6 to Minutes
of LERN Board Meeting of 2/18/10

concentrating, thinking, communicating and working; and

2. Physiological disorders, cosmetic disfigurement or anatomical loss affecting a major bodily function, including but not limited to functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

CLARIFICATIONS:

- a) Whether an individual is substantially limited in a major life activity is determined without taking into account the effect of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (devices that magnify, enhance or otherwise augment a visual image), prosthetics, including limbs and devices, hearing aids and cochlear implants, other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodation or auxiliary aids or services (i.e. qualified interpreters and/or readers or other effective methods of making aurally and/or visually delivered materials available to people with hearing and/or visual impairments, taped texts, acquisition or modification of equipment or devices and other similar services and actions) or learned behavioral or adaptive neurological modifications. However, an employer must take into consideration the mitigating effect of common eyeglasses or contact lenses which are intended to fully correct visual acuity or eliminate refractive error.
- b) With respect to the major life activity of working, the term means significant restriction in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to a person having comparable training, skills and abilities. The inability to perform a single, particular job does not constitute a substantial limitation in the major life activity of working and thus, the ADA would be inapplicable.
- c) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

B. The individual has a record or history of a substantially limiting impairment or has been misclassified as having such an impairment. This provision covers educational, medical, employment and other such records. Under this provision, it is discriminatory to base employment decisions solely upon an individual's record or known history of disability. For instance, an employer cannot refuse employment to an applicant because the employer knows that the employee has a history of back surgery.

C. The individual is regarded as having such an impairment when he or she is perceived to have a physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity.

A person is not "regarded as having such an impairment" if the perceived impairment is transitory and minor. Transitory and minor impairments are those with an actual or expected

duration of six months or less. For example, an employer cannot refuse employment to an applicant with high blood pressure because the employer believes that the individual will be unable to handle stress or will require time off from work for doctor's appointments.

DEFINITIONS

- A. **"Job Requirements"** include educational background, employment experience, skills, licenses and other job related requirements.
- B. **"Essential Functions"** of a position are the basic job duties that an employee must be able to perform. Considerations in determining whether a function is essential include:
- * The written job description;
 - * Whether the reason the position exists is to perform that function;
 - * The number of other employees available to perform the function;
 - * The degree of expertise or skill required to perform the function;
 - * Actual work experience of present or past employees in the job;
 - * The time spent performing the function; and
 - * The consequence of not requiring that an employee perform the function.
- C. **"Reasonable Accommodations"** are alterations to the work environment or changes in customary work practices which are not significantly difficult nor expensive, and which enable an individual with a disability to perform the essential functions of the job. In identifying reasonable accommodations, consideration is given to the nature of the operation or facility, geographic location, impact of the accommodation on the operation of the facility, and the effect(s) of accommodation on the ability to conduct business.
- D. **"Undue hardship"** means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. LERN is not required to create a new position, to bump another employee or to promote an individual with a disability in order to satisfy the "reasonable accommodation" requirement.

REQUIREMENTS

- A. **Application Process:** LERN will not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless such criteria is truly job-related for the position in question and consistent with business necessity. Any required tests will be selected and administered in the most effective manner to ensure that the test results accurately reflect the skills, aptitude or other qualities of the individual the test is intended to measure.

Pre-employment tests will be administered in accordance with standardized, established procedures. If doubt exists regarding an applicant's ability to test, the person responsible for administering the examination will ask if the applicant has taken a test of the nature proposed before or if anything hinders his/her ability to achieve a score accurately representing his/her ability. If standard testing procedures cannot be utilized, modifications will be considered.

For instance, if the applicant is hard of hearing, the usual verbal questions could be reduced to writing. Alternatively, the applicant's experience, training and education could be considered in lieu of the customary testing procedure.

B. The Interview Process: The interviewer cannot inquire regarding the applicant's disability or extent of an apparent disability. The applicant can be questioned regarding his/her ability to perform job-related functions such as getting to work on time, lifting, climbing, standing, driving, etc. The applicant may likewise be required to describe or demonstrate how, with or without reasonable accommodation, he/she will be able to perform job-related functions. Questions must be phrased in terms of the applicant's ability to perform the required function.

C. Medical Examinations and Inquiries:

1. **Pre-employment:** If all applicants in the same job category are subject to a medical examination or inquiry, regardless of disability, a medical examination and/or inquiry may be required **after** an offer of employment is made and before the applicant begins employment. The offer of employment may be conditioned on the results of such examination and/or inquiry. Any criteria which causes an applicant with a disability to be screened out must be job-related and consistent with business necessity, and reasonable accommodations must be considered in determining the applicant's ability to perform the job's essential functions.

2. **Employee Medical Examinations:** LERN may require an employee to submit to a medical examination or inquiry that is job-related, tests the employee's ability to perform job-related functions and is consistent with business necessity.

D. Confidentiality: Information obtained regarding the medical condition or history of an applicant or employee must be collected and maintained on separate forms and in separate medical files. This information must be treated as a confidential medical record subject to disclosure only as allowed by law or with the applicant's/employee's permission.

E. Job Descriptions: To ensure consistency and to protect against after-the-fact analysis, LERN maintains job descriptions which clearly define the essential functions of each position.

F. Accommodations: Accommodations usually fall into one of three categories:

1. **Accommodations in the selection process:** LERN's duty under the ADA begins with the hiring process. Job descriptions should be examined and updated to classify functions as "essential" and "marginal". If necessary, applicants should be assisted in completing the application or allowed to take it home. Interviewers must confine questions to job-related functions and criteria. An inquiry on an application form or during an interview about the existence and/or extent of a disability is strictly prohibited.

2. **Accommodations which enable an employee to perform the essential functions of a job:** Such accommodations may include job restructuring, modifying work schedules, acquiring or modifying equipment, providing qualified readers or interpreters, reassigning a current employee to a vacant position or modifying examinations, training or other programs. Accommodations required to facilitate an applicant's/employee's performance of the essential functions of the position must be addressed on a case-by-case basis.

Example: An applicant satisfies the prerequisites for a vacant accountant position. Historically, the incumbent of this position has assisted others by answering the office telephone during the afternoon break. The accounting related tasks constitute essential functions, but phone answering during breaks is a marginal job duty. Suppose a hearing-impaired person applies for the accountant position. The ability to hear may not be required to perform the essential functions of the position. As such, the individual must be considered for the position equally with all other qualified, non-hearing impaired applicants. This individual's hearing impairment must be disregarded in the selection process. The marginal job duty of answering the telephone must be assigned to another employee. Alternatively, equipment could be purchased and installed to facilitate the applicant's ability to answer the telephone.

3. **Accommodations to allow a disabled employee to enjoy the benefits and opportunities of employment afforded other employees.** Such accommodations may include restructuring work areas, lunch rooms, break rooms, training rooms and restrooms to make them available and accessible to all employees. Note that physical plant accommodations of this nature must be reasonable and are not required if they would impose undue financial hardship.

G. **Identifying Appropriate Accommodations:** Employees/applicants are responsible for requesting reasonable accommodations when needed. Employees/applicants requiring accommodation are encouraged to suggest reasonable accommodations based upon their own life and/or work experiences. If particular requests are not made and the appropriate accommodation is not obvious, LERN will make a reasonable effort to identify the appropriate accommodation. This will be accomplished through an interactive process involving consultation with the employee/applicant, the treating physician and other individuals with significant knowledge relative the employee's/applicant's condition, the essential functions of the job and other relevant factors.

EXCLUSIONS FROM PROTECTION

- A. **Alcoholism/Drug Addiction:** Alcoholism and drug addiction are classified as

disabilities under the ADA. The protection and accommodation requirements of the ADA, however, do not apply to current abusers of drugs or alcohol. For example, an employee's work schedule will be modified to allow him/her to attend treatment or AA meetings, but that employee will be disciplined, like any other employee, for drinking on the job, possessing illegal drugs, being impaired on duty, failing to report for duty on time, etc.

B. Disability Poses Direct Threat/Significant Risk: The protection of the ADA does not apply when a disability poses a direct threat or significant risk to the health and safety of the disabled employee or others. This exclusion is applicable only where reasonable accommodation would not reduce the risk. For example, a person with epilepsy who has lost consciousness due to seizures within the past year might seriously endanger his own life and the lives of others if employed in a position requiring the operation of heavy equipment.

LERN will determine the existence of a genuine risk of substantial harm through objective, supportable data. In determining whether the individual's disability poses a direct threat, the factors to be considered include: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that the harm will occur; and (4) the imminence of the potential harm.

C. Conditions Which Are Not Considered Disabilities: Conditions which are not considered disabilities include, but are not limited to: (1) environmental, cultural and economic disadvantages; (2) homosexuality; (3) bisexuality; (4) pregnancy; (5) physical characteristics; (6) common personality traits; (7) normal deviations in height, weight or strength; (8) transvestism; (9) transsexualism; (10) pedophilia; (11) exhibitionism; (12) voyeurism; (13) gender identity disorders; (14) sexual behavior disorders; (15) compulsive gambling; (16) kleptomania; (17) pyromania; (18) psychoactive substance use disorders resulting from current illegal use of drugs; and (19) temporary impairments which heal within normal timeframes, such as colds, sprains and broken limbs.

OTHER PROTECTIONS

In addition to not discriminating against qualified individuals with disabilities, LERN will not exclude or deny equal jobs or benefits to a qualified individual because of that individual's relationship or association with a disabled individual. For example, it would be unlawful to deny employment to an applicant who is the spouse of a disabled individual based upon the belief that the applicant would use excessive leave to care for his/her disabled spouse.

LERN will not discriminate against an individual because he/she has opposed any act or practice made unlawful by the ADA or because that individual filed a charge, testified, assisted or otherwise participated in an investigation, proceeding or hearing to enforce any provision of the ADA. Further, no individual will be coerced, intimidated, threatened, harassed or interfered with because that individual aided or encouraged another individual in the exercise of any right granted or protected by the ADA.

ENFORCEMENT

The Equal Employment Opportunity Commission enforces the provisions of the ADA which prohibit job discrimination. An applicant or employee who believes he/she has been discriminated against on the basis of disability is free to file a charge of discrimination with the EEOC. Strict time limitations apply and the administrative investigative process through EEOC must be satisfied prior to instituting litigation. Applicants and employees should also be aware that the State of Louisiana prohibits discrimination based upon disability (La. R.S. 23:323 et seq.). These statutes likewise provide strict time limits and procedures.

QUESTIONS

LERN has posted throughout its premises notices describing the provisions of the ADA. Questions regarding the ADA should be directed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

EFFECTIVE DATE: _____, 2010

SUBJECT: COMPUTER USAGE

AUTHORIZATION: PAMELA SHAVER, EXECUTIVE DIRECTOR

I) PURPOSE:

This policy establishes guidelines to insure that computers, networks, software and other information technology resources are used for business-related purposes; to identify the limitations placed upon personal computer usage; to insure that all communications are made in a professional manner; to describe the improper, inappropriate and prohibited use of the Internet and the LERN computers and related equipment, systems and services; to inform employees of management's access to and intention of tracking, auditing, inspecting and/or monitoring, as deemed appropriate, any and all sites visited, information stored, downloaded, uploaded, transmitted and received through LERN's computer system; and to advise employees that they have no expectation of privacy/security regarding their computer usage. Compliance with this policy will insure that the business affairs of LERN are conducted orderly, efficiently and professionally.

II) APPLICABILITY:

This policy applies to all LERN employees, regardless of status.

III) POLICY:

1. Equipment/Services are the property of the State to be used only for legitimate business purposes.

Computers, software, computer media such as diskettes, CD-ROMs, cartridges, tapes, optical disks, etc. are the property of the State of Louisiana to be used for legitimate business-related purposes. Internet, E-mail and other on-line services are likewise to be used for legitimate business-related communications. LERN employees are therefore prohibited from using state computer equipment and services for personal reasons except to the limited extent permitted by the express terms of this policy.

2. Proper Use of Services. Employees shall use the Internet and LERN's computer system in a professional, ethical and lawful manner. Business-related E-mail messages, whether internal or sent to persons or entities outside LERN, must

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comply with the standards of decency and professionalism observed in other forms of written communication, including proper spelling and grammar. All such communications must also properly and fully identify the sender. The creation of, access to and transmission of any material on or through the Internet or LERN's computer system in violation of this policy or any federal, state or local law or regulation are strictly prohibited.

3. **Consent.** By logging-on and using LERN's computers and related equipment, systems and services, including the Internet, employees expressly consent to LERN tracking, auditing, inspecting and monitoring of such usage. Such consent authorizes LERN to undertake any inquiry and institute any process deemed necessary to further the intent of this policy. Such inquiries and processes include the right to directly or remotely access and review computer usage, without employee knowledge or participation, and the right to enter offices and work locations to secure/retrieve/inspect computers and related equipment, data and files therein.
4. **Expectation of Privacy.** LERN employees are hereby advised that information technology personnel perform special and routine support services and maintenance upon our computers and related equipment, which service/maintenance routinely requires such personnel to view and review Internet searches performed and sites visited. As such, LERN employees are hereby advised that their Internet, E-mail and other on-line communications, and the materials stored on any LERN computer, including computer hard drives and other media such as diskettes, CD-ROMs, etc., are not privileged nor private. This lack of privacy extends to anything a LERN employee views, creates, sends, receives, uploads, downloads, stores, prints or sends via paper or electronically.

LERN employees are further advised that their Internet, E-mail and other on-line communications, and the materials stored on any LERN computer, including the computer hard drives and other media such as diskettes, CD-ROMs, etc., are subject to review and inspection, upon authorization of the Executive Director, based upon reasonable suspicion of computer usage that is unrelated to legitimate business purposes or in violation of this policy or any federal, state or local law or regulation.

LERN employees should also be aware that their communications and transmissions (paper and electronic) via the use of LERN computers and related equipment, systems and services are generally publicly accessible and subject to the provisions of Title 44 of the Louisiana Revised Statutes (Louisiana's Public Records Act).

NOTE: Information technology personnel track usage and periodically review computer equipment and services for patterns of abuse. Abuses or usage in violation of this policy will be brought to the attention of the Executive Director.

5. **Personal Use.** Given today's technological advancements and customary, acceptable modes of communication, LERN recognizes that occasional personal use of the Internet and its computer system will occur. In most circumstances, such usage will be of no concern and indeed, not detected. While not encouraged, such occasional personal use will be tolerated provided such:

- (1) Is incidental, brief, occasional and intermittent;
- (2) Does not result in additional cost to LERN or the State;
- (3) Does not interfere with the employee's job duties;
- (4) Does not impact system-wide usage;
- (5) Does not circumvent security systems;
- (6) Is not intended to produce personal monetary gain;
- (7) Is not offensive, profane or otherwise inappropriate; and/or
- (8) Does not violate the prohibitions of this policy or any federal, state or local law or regulation.

Employees should understand that the occasional, limited personal use of LERN computers and related equipment, systems and services tolerated by this policy does not diminish LERN's ownership of the data, files and transmissions thereon, nor diminish the authority LERN has to track, audit, access, review and monitor employee usage of computers, equipment, systems and services.

Employees must be mindful that such incidental use privilege may be revoked and lead to disciplinary action, including termination, if such use interferes with LERN's operations or is in violation of this policy.

6. **Sensitive Communications.** LERN employees frequently transact business that is sensitive, privileged or confidential, and certain business communications should be disseminated on a need-to-know basis only. Examples include communications regarding litigation and personnel matters. Similarly, certain business proposals and plans of action in the preliminary stage, such as organizational or programmatic changes, should be maintained in strict confidence or may not yet be appropriate for disclosure. Since computer communications are sometimes transmitted in error, can be reproduced even after deletion, are monitored by information technology personnel, and are subject to disclosure under Louisiana's Public Records Doctrine, employees should be mindful that LERN's computer system may not be the appropriate medium for certain business communications.
7. **Reporting Requirement.** Recipients of improper computer communications are required to notify the sender of the inappropriateness of the transmittal and to immediately cease sending such communications.

After doing so, if the improper communications persist, the employee is to report such receipt to the Executive Director. Failure to do so will be deemed a violation of this policy and could constitute cause for disciplinary action in accordance with the Civil Service Rules. Improper communications are those which are abusive, intimidating, discriminatory, harassing, obscene, defamatory, derogatory or otherwise violative of this policy or any federal, state or local law or regulation.

8. Copyrighted/Patented Materials.

LERN employees should be aware that certain on-line information is copyrighted or patented, including text, pictures, video and sound. LERN employees are not to duplicate, upload or download any software or materials that are copyrighted, patented or otherwise identified as intellectual property without the written, authorized consent of the owner, and then only with approval of information technology personnel. Any such material which is currently stored, without authorization, is to be immediately deleted from LERN equipment.

Commercial software is copyrighted and may not be reproduced except as stipulated in the licensing agreement. It is the policy of LERN to comply with all copyright laws and license agreements related to software installed on its computers. Reproduction, duplication, distribution or illegal installation of such licensed software without appropriate licensing agreements is prohibited. Likewise, LERN employees are prohibited from installing, storing or using software not specifically licensed through the LERN. This prohibition includes software purchased by LERN employees for home use and then installed on a Board computer or network.

In addition, software identified as "demo", "trial", "try-before-you-buy", "shareware", "freeware" or other public domain software is to be installed only by information technology personnel and then only if beneficial to LERN's operations.

9. Storage and Backup of Data Files

Files used by LERN employees should be stored on designated network drives, not on local PC hard drives. Only network drives are regularly backed-up and secured, and can be restored in the event of data loss. Any files stored on local PC hard drives should be considered as "temporary" or "working" files, with the understanding that such files are always subject to loss.

While every effort is made to back-up LERN's mail server on a regular basis, retention of E-mail stored on the server is not guaranteed. If the information contained in an E-mail message is deemed important enough

to keep, it should be saved to a local disk or printed. Mail stored in this fashion is the responsibility of the user.

10. Virus Detection

Employees may only access the Internet through LERN's secured Internet connection. Accessing the Internet directly, by modem, is strictly prohibited unless the accessing computer is not connected to LERN's network.

All material downloaded from the Internet or from computers or networks that do not belong to LERN **must** be scanned for viruses and other destructive programs before being placed into LERN's computer system.

IV) PROHIBITIONS:

1. E-mail Prohibitions.

General Prohibitions:

- The E-mail system is not to be used to engage in any illegal activity as defined by federal, state or local laws or regulation.
- The E-mail system is not to be used to send or receive messages that express personal views, beliefs or opinions on non-agency issues.
- The E-mail system is not to be used to send or receive messages or information that are critical of, disparage or provide unsolicited opinions concerning the operation or policies of LERN OR LERN's personnel.
- Employees may not send electronic messages under the name of another employee unless specifically authorized by a supervisor.
- Non-declared alteration, without authorization, of electronic messages, including attachments, is prohibited.
- LERN E-mail addresses cannot be used to register non-work-related Internet sites or to subscribe to Internet services without proper authorization.

Express Prohibitions: Employees are expressly prohibited from using (sending or receiving) the E-mail messaging system for the following:

- Threatening, harassing or profane E-mail communications.
- Malicious activities.
- Public or private messages containing objectionable language, material or content.
- Misrepresentations of oneself or LERN.
- Creating or exchanging mass solicitations or chain letters.
- Business or commercial activities, including personal or political fundraisers.

- Promotion of discrimination (on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion or disability).
- Sexual harassing communications.
- Obscene, pornographic, sexually suggestive or sexually explicit communications.
- Promotion of personal, political or religious beliefs.
- Communications that knowingly cause congestion and/or disruption of LERN's network system.

2. Internet Prohibitions.

Employees are expressly prohibited from using the Internet system for the following:

- Engaging in any illegal activity as defined by federal, state, or local law or regulation.
- Willfully viewing, receiving, transmitting, downloading and/or distributing materials or records that are copyrighted, patented or otherwise privileged as intellectual property without appropriate authorization as required by law.
- Downloading executable files (programs) on a LERN computer unless specifically authorized by information technology personnel.
- Viewing, receiving, transmitting, downloading, and/or distributing obscene, pornographic, nude, profane, violently graphic, sexually explicit, racist or threatening materials.
- Business or commercial activities.
- Political activities prohibited by state law for classified civil servants.
- Knowingly or willfully creating, introducing or propagating a virus, worm or other destructive program code.
- Knowingly engaging in activity that disables, impairs or overloads the performance of any computer system or network, or circumvents any security system.
- Creating or exchanging mass solicitations or chain letters.

V) PASSWORD AND LOG-ON REQUIREMENTS

Employees are responsible for all computer activity under their user ID whether generated from their work stations, remote locations or on any LERN laptop computer. Any and all computer activity occurring under an employee's user ID and password will be considered an act of the employee unless compelling evidence demonstrates otherwise.

Employees are responsible for maintaining the confidentiality of their computer passwords and properly signing-off on their computer whenever departing the work station and at the end of every workday. Password control

and adherence to proper log-off protocols assure employees that access to authorized LERN computers is not compromised.

Network passwords shall not be shared nor disclosed except on a need-to-know basis. Passwords shall be changed in timely fashion upon notification by information technology personnel. No employee may use another employee's password without express supervisory authorization. Furthermore, no employee is to log on to or use another employee's computer without express supervisory authorization.

VI) COMPLIANCE/VIOLATIONS

All LERN employees are required to sign a formal Acknowledgment evidencing their receipt, understanding and intent to comply with the terms and provisions of this policy. Failure to follow the provisions within this policy or violations of the prohibitions thereof shall be cause for appropriate corrective action, including termination from the classified service. Any violation of this policy which also is criminal in nature will be referred to the appropriate law enforcement authority for prosecution. Additionally, violations of this policy may result in restrictions or limitations upon the employee's access to LERN's computers and related equipment, systems and services.

VII) QUESTIONS

Any questions regarding the interpretation or enforcement of this policy should be directed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

COMPUTER USAGE POLICY ACKNOWLEDGMENT

My signature hereon acknowledges:

- A) My receipt of LERN's Computer Usage Policy;
- B) My understanding of the content of this Policy;
- C) My intention of complying with this Policy;
- D) My understanding that LERN's computers and related equipment, systems and services are the property of LERN;
- E) My consent, by logging-on and using LERN's computers and related equipment, systems and services, for LERN to monitor/inspect my computer usage; and
- F) That I have no expectation of privacy regarding my usage of LERN's computers and related equipment, systems and services.

Employee Signature

Date

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

EFFECTIVE DATE: _____, 2010

SUBJECT: EMPLOYEE GRIEVANCE POLICY

AUTHORIZATION: PAMELA G. SHAVER, EXECUTIVE DIRECTOR

I. Philosophy

It is the policy of the Louisiana Emergency Response Network (LERN) to encourage our employees to express their concerns, informally and formally, without fear of harassment, reprisal or retaliation. To accomplish this, a fair, efficient and objective grievance procedure will allow our employees to express those concerns which are not appealable to the State Civil Service Commission.

II. Purpose

In any organization, public and private, employment conditions, practices and decisions create dissatisfaction and misunderstandings amongst employees. By affording employees an effective procedure for expressing their concerns, employee morale and productivity will increase. Additionally, the free expression of employee concerns will afford management an opportunity to review and modify decisions, practices and policies, as warranted.

III. Applicability

This policy applies to all LERN employees, regardless of status or position. This policy does not, however, apply to all concerns, incidents or actions occurring within the workplace, certain of which must be appealed directly to the State Civil Service Commission or the Director of the Department of State Civil Service. Employees are encouraged to contact the Executive Director to resolve any uncertainty as to the procedure to be used or for assistance in processing a grievance.

IV. Non-Grievable Issues

This grievance procedure does not include those actions appealable to the State Civil Service Commission or the Director of the Department of State Civil Service. Employees should review Chapters 10 and 13 of the Civil Service Rules to determine those actions which are appealable directly to the Commission/Director. In general, non-grievable issues include:

- 1) Disciplinary actions (dismissal, suspension without pay, reduction in pay and involuntary demotion);
- 2) Performance ratings and re-ratings;
- 3) Non-disciplinary removals;

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- 4) Layoffs of permanent employee;
- 5) Letters of warning, caution, concern, counseling or reprimand.

NOTE: There are fixed time limits within which either a grievance or an appeal may be filed. If an employee chooses the incorrect procedure, he/she may find that the time limit for the proper procedure has expired. The filing of a grievance does not extend the time within which an appeal must be filed with the Commission/Director. Actions appealable to the Commission/Director generally must be filed within thirty days of notice of the action being appealed.

V. Definition

The term "grievance" shall mean any claim, concern, problem or complaint by any employee and/or group of employees that:

- 1) An employee has been treated unfairly, inequitably or in a manner which is arbitrary, unjust or unreasonable; or
- 2) There is a violation in the implementation, enforcement, administration, application and/or interpretation of any law, regulation, directive, policy, procedure or practice which adversely affects the employee; or
- 3) There exists a condition, situation or circumstance which jeopardizes the health or safety of the employee or otherwise adversely affects the welfare or interest of the employee.

VI. Procedure

The grievance procedure consists of three formal steps:

Step 1:

All grievances shall be presented within 14 calendar days of the date the grievant first became aware of, or should have become aware of, the cause for such grievance.

The initial grievance shall be submitted to the grievant's immediate supervisor. The immediate supervisor shall render a written decision within 7 calendar days of receipt of the grievance.

Step 2:

If the grievant is not satisfied with the supervisor's decision, he/she should check the appropriate box on the grievance form and, within 7 calendar days, present the grievance to the Executive Director.

The Executive Director shall review the information provided, afford the grievant an opportunity to present his/her concern, and render a written decision within 14 calendar days of receipt of the Step 2 grievance.

Step 3:

If the grievant is not satisfied with the Executive Director's decision, he/she should check the appropriate box on the grievance form and, within 7 calendar days, present the grievance to the Board Chairman.

The Board Chairman (or designee) shall review the information provided, afford the grievant an opportunity to present his/her concern, conduct an investigation or take whatever action is necessary to meaningfully review the grievance. A written decision will be provided the grievant within 21 calendar days of receipt of the Step 3 grievance.

NOTE: The Executive Director has responsibility for administering the grievance procedure. Therefore, at each step of the procedure, the grievant and reviewing official should consult the Executive Director. .

A Step in the grievance procedure may be bypassed if the grievance concerns actions by the grievant's immediate supervisor or another supervisor within his/her chain of command. Similarly, a Step in the grievance procedure may be bypassed if the relief sought cannot be granted at the Step 1 or Step 2 level.

VII. Summary Disposition of Grievance

At any time after receiving a grievance and prior to the Board Chairman's final decision at Step 3, the Board Chairman, after consulting the Executive Director, may summarily dispose of the grievance on any of the following grounds:

- 1) The Board lacks jurisdiction over the subject matter of the grievance;
- 2) The Board lacks jurisdiction over the person against whom relief is sought;
- 3) The grievant has no legal right to grievance consideration;
- 4) The grievance has not been processed in the required manner or within the prescribed delays;
- 5) A decision on the grievance would be moot;
- 6) The Board has no authority or ability to grant the relief requested;
- 7) The grievant has withdrawn or abandoned the grievance;
- 8) The grievant failed to appear at the time and place designated for hearing of the grievance; or
- 9) The Board Chairman determines the grievance to be frivolous.

VIII. Requirements

- 1) The grievance must be in writing;
- 2) The grievance and decisions at each step must be on the designated grievance form (additional pages may be attached);
- 3) A copy of the grievance at each step must be timely submitted by the grievant to the Executive Director;

- 4) A copy of the decision at each step must be timely submitted by the reviewing official to the Executive Director;
- 5) Extensions for responding to the grievance at each level may be granted for good reason; and
- 6) The Board Chairman's decision shall be final on all issues subject to review through the grievance procedure.

IX. General

- 1) The Executive Director is responsible, through coordination and monitoring efforts, for administering the Board's grievance policy, ensuring that employees are made aware of the procedure, making the grievance form readily available, tracking the number/nature of grievances to help define and address internal problems/complaints, and maintaining records of the grievance process.
- 2) Grievance hearings, if required, will be considered compensable work hours.
- 3) Grievances may be consolidated for the following reasons:
 - a) Multiple grievances filed by an employee that involve similar or related circumstances may be consolidated into a single grievance; and
 - b) Separate grievances filed by two or more employees regarding the same issue(s) may be consolidated into a combined grievance.

X. Violations

No employee will be harassed, discriminated against or penalized in any fashion for exercising the right to express his/her concerns through the grievance process. Any employee or supervisor who harasses, discriminates or retaliates against any individual who files a grievance or participates in the grievance process will be subject to disciplinary action. Similarly, any employee or supervisor who uses his/her position to influence the grievance procedure or anyone involved therewith will be subject to disciplinary action.

Additionally, any employee who abuses or misuses the grievance procedure, or who uses the process to harass or intimidate others, as determined by the Executive Director, will be subject to disciplinary action.

XI. Questions

Questions regarding this policy should be directed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

GRIEVANCE FORM

GRIEVANT'S NAME _____

TITLE _____

DATE GRIEVANT BECAME AWARE OF CAUSE FOR GRIEVANCE _____

DATE GRIEVANCE FILED _____

STEP ONE

GRIEVANCE STATEMENT (Additional pages may be attached if more space is needed.) Must be presented within 14 calendar days from the date the grievant first became aware of the cause for the grievance.

RELIEF SOUGHT (Additional pages may be attached if more space is needed.)

Grievant's Signature

Date

c: Executive Director

GRIEVANCE FORM

GRIEVANT'S NAME _____

DECISION OF IMMEDIATE SUPERVISOR (Additional pages may be attached if more space is needed.)

Must render decision within 7 calendar days of receipt of the grievance

Supervisor's Signature

Date

EMPLOYEE RESPONSE

_____ I am satisfied with the Step One decision of my supervisor.

_____ I am not satisfied with the Step One decision of my supervisor and wish to proceed to Step Two. (Must present to Executive Director within 7 calendar days of receipt of the Step One decision).

Grievant's Signature

Date

c: Executive Director

GRIEVANCE FORM

GRIEVANT'S NAME _____

STEP TWO

DECISION OF EXECUTIVE DIRECTOR (Additional pages may be attached if more space is needed.) Must render decision within 14 calendar days of receipt of the Step Two grievance.

Executive Director's Signature

Date

EMPLOYEE ANSWER

_____ I am satisfied with the Step Two decision of the Executive Director.

_____ I am not satisfied with the Step Two decision of the Executive Director and wish to proceed to Step Three. (Must present to Board Chairman within 7 calendar days of receipt of the Step Two decision).

Grievant's Signature

Date

c: Executive Director

GRIEVANCE FORM

GRIEVANT'S NAME _____

STEP THREE

DECISION OF THE BOARD CHAIRMAN (Additional pages may be attached if more space is needed.) Must render decision within 21 calendar days of receipt of the Step Three grievance.

Chairman's Signature

Date

c: Executive Director

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

EFFECTIVE DATE: _____, 2010

SUBJECT: VIOLENCE-FREE WORKPLACE POLICY

AUTHORIZATION: PAMELA G. SHAVER, EXECUTIVE DIRECTOR

I. PHILOSOPHY

Employees are the State of Louisiana's most valuable resource. Every employee has a reasonable expectation of performing his/her duties in an atmosphere free of violence and threats of violence. Recognizing the increasing incidence of violence in the workplace, the Louisiana Emergency Response Network (LERN) establishes the following policy to protect its employees.

II. APPLICABILITY

This policy applies to all LERN employees, regardless of status, irrespective of an employee's possession of a valid firearms permit from a federal, state or local law enforcement authority.

III. DEFINITIONS

1. Credible Threat Of Violence: A statement or action that causes a reasonable person to fear for his personal safety or that of another.
2. Act of Violence: Fighting or other physical action, with or without the use of a weapon or other instrumentality, which harms, endangers or threatens to endanger the safety of any individual in the workplace. An act of violence includes conduct which is intentional or merely in reckless disregard for the safety of others.
3. Workplace Violence: Includes a credible threat of violence and/or an act of violence.
4. Dangerous Weapon: Firearms of any type, ammunition, knives (except pocket knives of reasonable length), explosives, incendiary devices, and any gas, liquid or other substance or instrumentality which, in the manner used, is calculated or likely to produce death or great bodily harm.

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5. Workplace: Includes all LERN premises and any location in which an employee is conducting LERN business, including travel to/from a business location.

IV. POLICY

1. LERN will not tolerate violence of any nature in the workplace. Employees are prohibited from making any statement or engaging in any behavior which constitutes an act of violence or credible threat of violence.
2. The unauthorized possession and/or use of a dangerous weapon in the workplace, whether on or off duty, is strictly prohibited. This policy does not apply to authorized use of utility knives or other such devices in the course and scope of employment. Employees should refer to LERN's Possession of Firearms Policy regarding the limited right to lawfully possess a firearm within a privately- owned vehicle on State premises.
3. All acts of violence and credible threats of violence will be viewed seriously and immediately investigated. Employees are required to cooperate in the investigative process. To the extent possible, the identification of all parties and all reports will be maintained in strict confidence.
4. Retaliation towards an employee making a good faith report of an act of violence or credible threat of violence is strictly prohibited. Employees participating in the investigative process will likewise be protected from retaliation.
5. Due consideration will be afforded employees experiencing an act of violence or credible threat of violence. Where appropriate, employees will be afforded time off, provided confidential referral to counseling, assisted in filing a worker's compensation claim and in obtaining restraining orders or other injunctive relief as allowed by law.

V. ROLES AND RESPONSIBILITIES

1. Reporting Requirements:

A. Acts of Violence/Credible Threats of Violence

All acts of violence and all credible threats of violence must be immediately reported to the Executive Director. Behavior which must be reported includes, but is not limited to:

- a) Unwelcomed and threatening name calling, obscene and other abusive language;

- b) Intimidation through direct or veiled verbal threats;
- c) Physical touching in a harmful or malicious manner, including punching, hitting, slapping, poking, kicking, pinching, grabbing or pushing; and
- d) Physically intimidating behavior, such as obscene gestures, invading another's space, fist-shaking, throwing objects, etc.

B. Unauthorized Dangerous Weapons

All employees must report to the Executive Director the presence of an unauthorized dangerous weapon in the workplace. Employees should presume that weapons are unauthorized in all circumstances.

C. Restraining Orders/Protective Orders

All employees must report to the Executive Director the name of any person against whom a restraining/protective order has been obtained. Any other information requested, including the individual's physical description, address and other identifying information must also be reported.

D. Conditions Which Create or Enhance the Possibility of Workplace Violence

Employees are responsible for reporting to the Executive Director any conditions or limitations within the workplace which create or increase the possibility of workplace violence. Examples include poor lighting, unlocked doors, suspicious visitors, etc.

2. Summoning Emergency Assistance:

In the case of actual or imminent violence, employees should immediately summon assistance from authorities by dialing "911" or other local emergency numbers. Any victim of workplace violence also has the right to notify law enforcement authorities and institute criminal proceedings, as warranted.

3. Non-Intervention in Incidents of Workplace Violence:

Employees should never intervene in an incident of workplace violence if doing so will further jeopardize their safety, the safety of others or escalate the situation.

4. Investigative Process:

Employees are required to fully cooperate in the investigative process, which includes providing accurate, detailed information and written/taped statements.

Such cooperation extends to questioning or investigations conducted by the Human Resources Section, legal counsel and law enforcement officers.

5. Safe Work Practices

All employees are responsible for using safe work practices, following all directives, policies and procedures, and assisting in maintaining a safe and secure work environment.

VI. VIOLATIONS OF THIS POLICY

Any employee found to have violated this policy will be appropriately disciplined in accordance with the Civil Service Rules, including the possibility of termination from the classified service.

VII. QUESTIONS/CONCERNS

All questions or concerns regarding the substance, implementation or enforcement of this policy should be addressed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

EFFECTIVE DATE: _____, 2010

SUBJECT: POSSESSION OF FIREARMS

AUTHORIZATION: PAMELA G. SHAVER, EXECUTIVE DIRECTOR

I. PHILOSOPHY

The Louisiana Emergency Response Network (LERN) is committed to maintaining a safe working environment for its employees, while also complying with express Louisiana law regarding the possession of firearms in the workplace.

II. PURPOSE

This policy establishes the Agency's position regarding the possession of firearms in the workplace.

III. APPLICABILITY

This policy applies to all LERN employees, regardless of status, and will be strictly enforced.

IV. POLICY

The personal possession and/or use of a firearm of any nature is strictly prohibited:

- A) While on duty;
- B) While on LERN property, whether on or off duty;
- C) While using LERN equipment or vehicles, whether on or off duty; and
- D) While conducting LERN business, whether on or off State property.

V. EXCEPTION

Any LERN employee who lawfully possesses a firearm may transport the firearm in a privately-owned motor vehicle and may store the firearm in an authorized LERN parking facility as long as it is maintained within a locked case hidden from plain view within the locked vehicle.

VI. VIOLATIONS

Any violation of this policy will result in severe disciplinary action, including the possibility of termination from the classified service.

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VII. RESPONSIBILITY

It is the responsibility of each LERN employee to abide by the prohibitions and limited authorization of this policy, and the responsibility of the Executive Director to enforce and insure full compliance therewith.

VIII. QUESTIONS

Questions or concerns regarding this policy should be addressed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

EFFECTIVE DATE: _____, 2010

SUBJECT: UNSCHEDULED ABSENTEEISM POLICY

AUTHORIZATION: PAMELA G. SHAVER, EXECUTIVE DIRECTOR

I. POLICY

It is the philosophy of the Louisiana Emergency Response Network (LERN) to encourage responsible leave usage in order to maximize public service, reduce the negative impact of absenteeism on productivity, and improve employee morale. This policy shall be administered uniformly and as equitably as possible without regard to race, gender, age, religion, national origin, disability, veteran's status, sexual orientation, job classification or other non-merit factor.

II. PURPOSE

The purpose of this policy is to implement the provisions of Civil Service Rule 12.6(a)2 which provide for the non-disciplinary removal of an employee from State service due to unscheduled absences.

"12.6 Non-disciplinary Removals

(a) An employee may be non-disciplinarily removed under the following circumstances:

1. *****
2. When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

Attachment XI - 6 of 5 to Minutes
of LERN Board Meeting of
2/18/10

III. APPLICABILITY

This policy applies to all employees of the Louisiana Emergency Response Network serving with permanent status who have been placed on notice, in writing, via counseling letter or supervisory plan, that his/her absenteeism has become problematic. In such event, the employee will be provided a copy of this policy which precisely quotes Civil Service Rule 12.6(a)2, and advised that his/her attendance requires improvement.

IV. DEFINITION

An "unscheduled absence" is defined as:

- 1) an employee's failure to report for duty at the designated time at the beginning of the scheduled workday, regardless of duration; or
- 2) an employee's leaving work before the end of the scheduled workday, regardless of duration; or
- 3) an employee's failure to timely return to duty at the end of a designated break or meal period, regardless of duration;

without having secured permission, in advance, from an authorized supervisor. "Advance" permission is defined as authorization to be off from work, late for work, extend a break period or leave work early by close of business the business day prior to leave usage. Approval of leave after-the-fact to cover an unscheduled absence shall not prevent the absence from being considered unscheduled.

V. EXCEPTIONS

- 1) Leave that is approved for use under the Family and Medical Leave Act (FMLA) and leave granted for the purpose of an accommodation under the American with Disabilities Act (ADA) will not count as an unscheduled absence. However, employees are expected to comply with agency policy and practice regarding notice to supervisory personnel when such absences will be necessary.
- 2) The Executive Director retains the right to excuse, for a rational, business-related reason, an absence which otherwise would be deemed to be unscheduled under this policy.

VI. PROCEDURE

The non-disciplinary removal authorized by this policy applies only to an employee who has been given notice that his attendance requires improvement and a copy of this rule. Such notice will be in writing via counseling letter or supervisory plan.

The employee will receive notice, in writing, within five workdays of each unscheduled absence declaring the absence to be an occurrence under this policy. This notice will likewise include the number of occurrences thus far accumulated within the consecutive twenty-six (26) week period.

Upon accrual of a sixth occurrence, the employee will also be given a formal letter of counseling advising him/her of the sixth occurrence and the possibility of removal upon accrual of a seventh occurrence.

As required by Civil Service Rule 12.7, no permanent employee will be removed under this policy until he/she has been given oral or written notice of the proposed action and the reason therefor, a description of the evidence supporting the proposed action and a reasonable opportunity to respond.

VII. CLARIFICATIONS

- 1) The Executive Director has the right to place an employee on leave without pay for the duration of any unscheduled absence.
- 2) The Executive Director has the right to discipline an employee for any unscheduled absence irrespective of the applicability of Civil Service Rule 12.6(a)2.
- 3) The Executive Director has the right to discipline an employee for failing to adhere to agency leave policy or practice.
- 4) The Executive Director has the right to require a doctor's certificate or other acceptable documentation to verify an employee's need to be off from duty and/or leave usage.
- 5) The Executive Director has the right to discipline and terminate a probationary, job or restricted appointee at any time;
- 6) When an employee is removed under this Rule, the adverse consequences of Rule 6.5(c), 7.5(a)7, 8.9(d), 8.18(d) and (e), 11.18(b) and 17.25(e)4 shall not apply.

VIII. QUESTIONS

Questions regarding the interpretation and enforcement of this policy should be addressed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

UNSCHEDULED ABSENTEEISM NOTICE

TO: EMPLOYEE

FROM: EXECUTIVE DIRECTOR

DATE: DATE

RE: NOTICE OF OCCURRENCE

On DATE, your absence was coded as an occurrence under this Agency's Unscheduled Absenteeism Policy. This absence has been coded as:

Annual Leave: _____

Compensatory Leave: _____

Sick Leave: _____

Leave Without Pay: _____

This is your _____ occurrence as of this date within the applicable twenty-six week period.

Be reminded that this policy, authorized by Civil Service Rule 12.6(a)2, provides for the non-disciplinary removal of an employee who has seven or more unscheduled absences during any consecutive twenty-six week period.

LERN Region 6 Commission
Mark Majors, Region 6 Commission Member
February 8, 2010

LERN Board
14141 Airline Hwy.
Baton Rouge, LA

Dear LERN Board:

The Region 6 Commission would like to respectfully request that you consider adding 2 member positions to this Commission.

1. A position for a member of the Military Medical community.

Camp Beauregard, Fort Polk, and Bayne Jones Military Hospital are all located within Region 6. With such a large presence in this area and resources that are invaluable, it will be beneficial to not only this region but the state as a whole to engage the military in the efforts to build LERN.

2. A position for an Emergency Nurse

There are no positions on the Commission for Nurses, even though there is representation for EMS, Hospitals, and Physicians. While being cognizant of the fact that many different nursing specialties have an interest in the Trauma Patient, we feel as though a representative from the Emergency Nursing Professional Organization will have a grasp on the concept of time sensitive illness and trauma.

Sincerely,

Mark Majors
Region 6 Commission

Attachment XII to Minutes of
LERN Board Meeting of 2/18/10



Louisiana State Medical Society
Established 1878

February 8, 2010

Eileen Mederos
c/o LA Emergency Response Network
8919 World Ministry Ave. Ste C
Baton Rouge, LA 70810

Dear Ms. Mederos:

In response to your request the Louisiana State Medical Society is nominating the following physician for appointment to the Louisiana Emergency Response Network (LERN) Region VI Commission.

Jeremy Timmer, MD
201 4th St
Medical Plaza
Alexandria, LA 71301
(318) 769-3501
(318) 769-3502 (fax)
timmer1276@live.com

Please contact me if you need any additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "P. Breaux".

Patrick C. Breaux, MD
President

PCB: ghl

**Louisiana
Chapter**

NATIONAL EMERGENCY NUMBER ASSOCIATION

P. O. Box 82236
Lafayette, LA 70598-2236
Telephone: (337) 291-5060 Fax: (337) 291-5080

PRESIDENT

Stephen J. Gordon
Orleans Parish

Communication District
118 City Park Avenue
New Orleans, LA 70119
(504) 671-3606, phone
(504) 671-3913, fax
sgordon@911nola.org

VICE PRESIDENT

James Coleman
Washington Parish
Communications District
805 Pearl Street
Franklinton, LA 70438
(985) 839-5625, phone
(985) 839-5669, fax
wpcde911@itsfast.net

SECRETARY/TREASURER

Linda Lavergne
Lafayette Parish
Communication District
P. O. Box 82236
Lafayette, LA 70598
(337) 291-5060, phone
(337) 291-5080, fax
eoc@lafayettela.gov

National Emergency
Number Association
4350 North Fairfax Drive
Suite 750
Arlington, VA 22203-1695
(800) 332-3911, phone
(703) 812-4600, phone
(703) 812-4675, fax

February 15, 2010

Coletta Barrett, RN, MHA
Chair,
Louisiana Response Response Network
8919 World Ministry Ave., Suite C
Baton Rouge, LA 70810

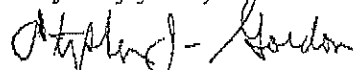
Dear Ms. Barrett:

The Louisiana Chapter of the National Emergency Number Association (NENA) has received your request for a nomination to the Region 4 LERN Commission.

The Chapter re-nominates Mr. Jude A. Moreau, Executive Director of the St. Landry Communications District to remain as a member on the Region 4 LERN Commission. His address remains at 1065 Hwy. 749, Suite C., Opelousas, LA. 70570. His telephone number remains (337) 948-9079.

Thanks for what LERN does in Louisiana to speed coordinated patient care.

Very truly yours,



Stephen J. Gordon
President of LA NENA

LERN Executive Director Board Report

January and February 2010

Budget & Financial Performance

- Current Fiscal Year Budget is \$3,759,623 with \$1,525,845.09 expended, \$1,466,310.70 encumbered, and \$768,467.21 remaining as of 1.31.
- DHH/DOA proposed LERN Budget for FY 11 (begins 7.1.2010) is currently \$3,231,746, representing a reduction of 14% from current year FY budget and a 16% reduction from expenditures from last FY (ended 6.30.09).
- DHH/LERN budget will be presented in House Appropriations Committee Hearings on March 16th and 17th. A communications plan with Committee Members is in progress.

Contracts

- The call center staffing contract with AMR was approved and started on 1.1.2010. This contract is for staffing only and does not include the lease for the Call Center space in Shreveport or the MDs providing Medical Consulting Services for the Call Center.
- The contracts for Medical Consulting Services with Dr. Juan Duchesne was approved and started on 1.1.2010. The contract with the Emergency Department at LSU Shreveport is in OCR awaiting approval. In December, the MD was called 10 times with 849 patients routed (1.18%). In January, the MD was called 5 times with 893 patients routed. (0.56%). In the new contract, the MD consultants were asked to assist the LERN Call Center in developing policies and procedures to guide the call center to function as independently as possible.
- In January, I had a conference call with C. Barrett, N. McSwain, and F. Martinez to discuss the value of direct contracting instead of writing and posting RFPs for the services outlined in LERN's strategic plan. This was necessary due to FY 2011 budget cuts and inadequate time to complete the RFP process in time to have the services delivered /completed by 6.30.10. The Board Officers supported moving forward with these contracts.
- The status of existing Contracts is attached.

Call Centers

- The installation of the Motorola equipment was completed in December and the Central Call Center started taking calls using the new equipment on 12.21 following education and training.
- The 2 Call Centers have routed an average of 918 patients per month for the last 9 months with the Central Call Center averaging 694 patients per month and the Northern Call Center averaging 224 per month.

Strategic Administrative Meetings & Activities

- Medical Director - Recruitment for LERN's Medical Director started in January and will continue through the interview and hiring process as applicable. The Job Description posted in journals and on websites as recommended by Dr. McSwain, Dr. Judice, and Dr. Guidry to reach the appropriate audience. 6 CVs have been submitted. The proposed process and timeline for hiring is as follows:
 1. Receive CVs & conduct phone screening interviews – Feb - March.
 2. Review CVs with Design the System Work Group - March.
 3. Schedule interview – March - April.
 4. Select and extend offer – by April 30. (may need to allow 30 – 60 day notice as applicable)
 5. New Med Dir begins – no later than July 1.
- Legislation – C. Barrett and I met with Representative B. White and he agreed to work with the House Health and Welfare Committee to author the Legislation for LERN related recommendations from ACS, Best Practices Report, and in support of LERN's strategic plan. The LERN Legislation, Regulation, and Policy Work Group led by M. Collette will guide LERN in this process.
- Funding – LERN was named as a partner agency in a grant proposal by the LA Rural Health Information Exchange for \$15 million. LERN is in discussion with Bureau of Primary Care and Rural Health and could be the recipient of education funds. C. Barrett and I met with L. Bertman of the Pennington Foundation to discuss availability of grants for LERN's work. Grant proposals are reviewed in August. V. Pearson is in communication with the Foundation to determine the appropriate grant opportunity for LERN.

- Annual Report - LERN's report is due to the Legislature at the end of February and is in progress using the expertise of Sandy Deslatte, LERN's communications consultant.
- Website – LERN's website design is in progress with timeline for website activation set for June.
- Louisiana Joint Homeland Security Committee Meeting – LERN has been invited by Rep. B. White to provide an update to this Committee on 2.26 at 9:30 am at the Port of New Orleans. LERN presented to this committee last year and will present on 2.26.
- Louisiana Committee on Trauma – Provided update to this group at State meeting in New Orleans on 1.16. Committee was pivotal in LERN's development and creation and was glad to have update. Agreed to support LERN and LERN's legislative agenda as needed. Posted and circulated Medical Director Job Description at this meeting.
- Hospital Agreements – The current agreements end on 6.30.10. A committee is working to amend the agreements based on input from the Commissions, Hospital s/ MDs, and current operations of LERN's call centers.
- Region 8 – The Commission Chair, Dr. LaDonna Ford held a MD meeting on 1.20, to get physician input on solving issues in Region 8. MDs from 2 entities were present. On 2.12, C. Barrett and I met via conference call with the CEO, VP of Business Development, and the Medical Director of St. Francis Medical Center to hear concerns/issues with LERN. Work with Region 8 Commission Chairs, MDs, EMS providers, and hospital administrators will be done as indicated. LERN has routed an average of 100 patients per month in Region 8 since 5.18.09.
- Region 3 – Meetings are scheduled and being scheduled with Hospital CEOs/Medical Directors to discuss LERN and determine regional plan to connect with LERN.
- Statewide Data Registry – M. Pomphrey, a RN who worked with the ACS and specializes in the development and management of Trauma Registries, presented to groups of key stakeholders and Board Members in Baton Rouge and in New Orleans on 1.21.

FY10 Fiscal Overview

as of 1/31/10

Object Category	Budget Amount	Encumbered	Expended	Balance
Personal Services which includes Salaries, Wages and Related Benefits	\$769,733.00	\$0.00	\$423,928.44	\$345,804.56
Travel to include in-state and out of state	\$79,840.00	\$0.00	\$21,082.96	\$58,757.04
Operating Services to include advertising, printing, maintenance, rent, postage, utilities, telephone services other than OTM	\$299,000.00	\$57,902.93	\$180,881.98	\$60,215.09
Supplies to include general and computer	\$56,007.00	\$13,045.00	\$7,457.17	\$35,504.83
Professional Services to include Legal and Medical	\$2,057,528.00	\$1,025,052.87	\$791,800.13	\$240,675.00
Other Charges to include Miscellaneous charges, Public Education	\$12,000.00	\$0.00	\$282.00	\$11,718.00
Acquisitions and Major Repairs	\$450,517.00	\$370,309.90	\$76,687.16	\$3,519.94
Interagency Transfer to include telephone service	\$34,998.00	\$0.00	\$22,725.25	\$12,272.75
TOTALS	\$3,759,623.00	\$1,466,310.70	\$1,524,845.09	\$768,467.21

Note: Budget Amount includes Carryforward Request approved by the Legislature on 8/14/09 for \$319,843.00. Expenditures also include these items as encumbrances carried forward.

Note: Budget Adjustment (EB) approved 9/1/09 to move funds from Professional Services (\$340,000.00) to Operating Services (Lease Space Improvements - \$120,000.00 and Generator Installation Estimate - \$59,000.00), Acquisitions (Generator - \$36,000.00 and Furniture Purchase - \$110,000.00) and IAT (Additional Call Center T-1 lines - \$15,000.00).

Note: Overview reflects Executive Order BJ2009-11 Limited Hiring Freeze reduction in Personal Services of \$231,656.00.

Escrow Account Activity

as of 1/31/10

Date	Fiscal Year	Balance Forward	Encumbered	Expended	Balance
8/1/2008	2009	\$0.00			\$1,000.00
7/1/2009	2010	\$1,000.00			\$1,000.00

Note: Check #073363 from St. Charles Parish Hospital deposited into Office of Public Health Agency 326 Escrow Account E323/5323. Further transferred to LERN Agency 324 Escrow Account E101-T190 on 8/1/08

LERN Contract Update

Contractor	Description	Current FY Amt	Sent for Approval	Last entry	Status	Begin Date	End Date
SSA Contract	As per RFP	\$123,250.00	4/6/2009	5/21/2009	Approved	4/6/2009	4/5/2010
Avant & Falcon	Legal FY10	\$20,000.00	4/6/2009	6/19/2009	Approved	7/1/2009	6/30/2010
Celia Cangelosi	Legal FY10	\$60,000.00	4/6/2009	6/12/2009	Approved	7/1/2009	6/30/2010
	14141 Airline Location - Central Ofce Lease	\$50,416.50	4/30/2009	9/15/2009	Approved	9/15/2009	9/14/2010
Sparkround Website	Website Development	\$19,720.00	6/22/2009	7/31/2009	Approved	5/1/2009	6/30/2010
Nesbit & Associates	Generator Planning	\$16,500.00	10/2/2009	10/1/2009	Approved - Timeline Amended	8/1/2009	12/31/2009
Sandra Deslatte	Communications Plan	\$10,000.00	11/17/2009	12/1/2009	Approved	11/1/2009	6/30/2010
AMR -New	Call Center Staffing	\$599,790.00	12/3/2009	1/7/2010	Approved	1/1/2010	12/31/2012
Sparkround Maint.	IT Maintenance	\$19,000.00	12/21/2009	1/19/2010	Approved	1/1/2010	12/31/2010
Juan Duchesne	Medical Consultant	\$37,230.00	12/22/2009	2/5/2010	Approved	1/1/2010	12/31/2010
LSUHSC-Shreveport	Medical Consultant	\$37,230.00	12/22/2009	2/4/2010	Awaiting OCR Dir. Approval	1/1/2010	12/31/2010
Michelle Pomphrey	Data System Presentation	\$6,222.00	1/22/2010	2/2/2010	Pending DHH Approval	1/15/2010	6/30/2010
LA Rural Ambulance	PHTLS Training	\$49,788.00	2/17/2010	2/17/2010	DHH to CS to OCR	3/1/2010	2/28/2011
Total Current Contracts		\$1,049,146.50					

LERN Call Center Patient Routing Statistics January 2008 to December 2009

Regions	Region 9	Region 2	Region 4	Region 5	Total Central Call Center	Region 6	Region 7	Region 8	Total North Call Center	Total	MD calls as % of total routed	Case Rev as % of total routed
Go Live	6/15/09	1/19/09	7/1/08	10/20/08		2/9/09	1/20/08	5/18/09	3	3		
Jan-08							3		12	12		
Feb-08							13		13	13		
Mar-08							7		7	7		
Apr-08							14		14	14		
May-08							14		14	14		
Jun-08							11		11	11		
Jul-08			332		332		10		10	334		
Aug-08			324		324		13		13	209		
Sep-08			196		196		7		7	277		
Oct-08			236		34		13		13	319		
Nov-08			209		97		5		5	309		
Dec-08			229		75		4		4	392		
Jan-09			140		180		3		70	732		
Feb-09			385		229		10		126	765		
Mar-09			321		239		6		117	733		
Apr-09			279		244		19		272	918		
May-09			271		266		11		327	978		
Jun-09			240		237		10		232	968		
Jul-09			122		253		16		143	1062		
Aug-09			131		243		10		58	930	1.18%	4.57%
Sep-09			124		231		6		71	177	1.90%	
Oct-09			97		172		4		75	204	1.15%	2.32%
Nov-09			136		193		6		65	183	1.18%	2.24%
Dec-09			133		200		5		111	194	0.56%	1.57%
Jan-10			116		201		5		111	194		
Totals	924	3129	4606	1621	10280	1315	232	808	2455	12735		

Central Call Center Total 10,280

North Call Center Total 2,455

Month	MD Calls	Admin Calls	Case Reviews
Sep-09	11	13	36
Oct-09	15	4	22
Nov-09	10	2	19
Dec-09	5	1	14
Jan-10	51	20	91
Totals	10.2	5	22.75
Avg/month			

Association	Web Site Address	Status
National Association of EMS Physicians (NAEMSP)	www.naemsp.org	done
Louisiana Hospital Association	www.lhaonline.org	done
Louisiana State Medical Society (LSMS)	http://careers.lsms.org	done
American Association for the Surgery of Trauma	www.aast.org	done
The Eastern Association for the Surgery of Trauma (EAST)	www.east.org	done
American College of Emergency Physicians (ACEP)	www.acep.org	done
The Journal of Trauma	www.lww.com/journal-of-trauma	done
Journal of the American College of Surgeons (JACS)	www.journaljacs.org	no
Journal of Prehospital and Disaster Medicine	http://jpd.medicine.wisc.edu	advertising didn't advertise
Surgery Association of LA (SAL)	www.surgery.org	done
Trauma.org	www.trauma.org	done
The Advocate	www.theadvocate.com/jobs/em	done
Shreveport Times	www.shreveporttimes.com	done
New Orleans Times-Picayune	www.timespicayune.com	done
Robert Barish, MD, LSU-Shreveport Dean		done
Larry Hollier, MD, LSUHSC NO Chancellor		done
Dean of Med School at Tulane		done
Ochsner Residency		done

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

EFFECTIVE DATE: March 18, 2010

SUBJECT: RECOUPMENT OF OVERPAYMENTS

AUTHORIZATION: PAMELA G. SHAVER, EXECUTIVE DIRECTOR

I. PURPOSE

This policy sets forth the Louisiana Emergency Response Network's (LERN) procedure for recouping overpaid funds from active and separated employees. Recoupment is required by law when compensation is paid in error to employees, such as the overpayment of wages, leave paid in error or erroneous refunds of payroll deductions.

II. GENERAL INFORMATION

Article VII, Section 14 of the Louisiana Constitution prohibits the donation of public funds; LSA R.S. 42:460 mandates the Division of Administration to promulgate rules for recoupment of overpayments made to state employees; and LAC 4:III 701 *et seq.* requires all state agencies to develop specific policies for recoupment of overpayments.

Agency personnel required to process pay actions in the ISIS-HR system are responsible for following established procedure and complying with internal controls to prevent overpayments. However, if an overpayment occurs, LERN is required to make a reasonable effort to recoup the overpayment from both active and separated employees. Failure to do so is a violation of express law.

III. RECOUPMENT LIMITATIONS

Both federal and state law place limitations upon the involuntary recoupment of payroll overpayments. These limitations are:

1. The employee's gross hourly wage cannot be reduced below the federal minimum wage; and
2. No more than twenty-five percent (25%) of the employee's disposable earnings in any workweek may be taken.

EXCEPTION: These two limitations, required by law, may be waived by an employee who acknowledges receipt of the overpayment(s) and wishes to expedite LERN's recoupment effort. In this event, the employee, in writing, may authorize LERN to withhold a larger percentage or the entirety of his/her bi-weekly net wages as reimbursement in satisfaction of the overpayment(s).

By administrative rule, the Division of Administration limits the period of recoupment to 12 months unless approval is obtained from the Office of State Uniform Payroll. Where LERN determines that compliance with federal or state law requires the recoupment period to exceed 12 months, LERN will seek approval from OSUP for an exception to the 12-month limitation.

LERN is required to honor garnishments and wage assignments ordered by courts of competent jurisdiction. Therefore, prior to initiating the recoupment process authorized by this policy, the Executive Director must first determine whether the employee's wages are subject to an existing garnishment or wage assignment.

IV. RECOUPMENT PROCESS

A. Active Employees

1. Demand for Reimbursement:

The Executive Director shall notify the employee, in writing, of the overpayment(s) and afford the employee an opportunity to respond prior to initiating the recoupment process. The demand for reimbursement shall include:

- (a) The pay date(s) the overpayment(s) occurred;
- (b) The amount(s) of the overpayment(s);
- (c) The reason the overpayment(s) occurred;
- (d) LERN's proposed recoupment plan;
- (e) The employee's options for reimbursement of the overpayment(s);
- (f) LERN's overpayment dispute process;
- (g) The deadline to notify the Executive Director of the reimbursement option chosen;
- (h) The deadline to notify the Executive Director of the desire to dispute the demand for reimbursement;
- (i) Notice that failure to respond by the deadline results in forfeiture of the right to dispute the overpayment(s); and
- (j) Notice that failure to respond by the deadline results in LERN's proposed plan of action for recoupment being given effect.

2. Reimbursement Options Available:

- (a) Direct deposit reversal;
- (b) One-time payroll deduction;
- (c) Payment plan (not to exceed 12 months without OSUP approval); or
- (d) Personal payment via check or money order (with OSUP approval).

B. Active Employees Transferring to Another State Agency

1. Demand for Reimbursement:

The demand for reimbursement shall be the same as set forth in "A" above.

2. Reimbursement Options Available:

The reimbursement options available shall be the same as set forth in "A" above.

NOTE: When the employee transfers to another agency after the reimbursement process has begun, but before the overpayment has been fully satisfied, LERN will notify the gaining agency of the outstanding balance and request that the reimbursement plan initiated by LERN be continued, with the funds received transferred back to LERN.

When the employee transfers to another agency before the reimbursement process has begun, LERN and the gaining agency will work together to recoup the overpayment in accordance with the gaining agency's recoupment process, with the funds received transferred back to LERN.

C. Active Employees Separating from State Service

1. Demand for Reimbursement:

The demand for reimbursement shall be the same as set forth in "A" above.

2. Reimbursement Options Available:

- (a) Direct deposit reversal;

- (b) One-time payroll deduction;
- (c) Personal payment via check or money order (with OSUP approval); or
- (d) Terminal annual leave payout withholding.

D. Separated Employees

1. Demand for Reimbursement:

The Executive Director shall notify the former employee, in writing, of the overpayment(s) and afford the former employee an opportunity to respond prior to initiating the recoupment process. The demand for reimbursement shall include:

- (a) The pay date(s) the overpayment(s) occurred;
- (b) The amount(s) of the overpayment(s);
- (c) The reason the overpayment(s) occurred;
- (d) LERN's proposed recoupment plan;
- (e) The employee's options for reimbursement of the overpayment(s);
- (f) LERN's overpayment dispute process;
- (g) The deadline to notify the Executive Director of the reimbursement option chosen;
- (h) The deadline to notify the Executive Director of the desire to dispute the demand for reimbursement; and
- (i) Notice that failure to respond will result in civil litigation.

2. Reimbursement Options Available

- (a) Personal payment via check or money order; or
- (b) Payment plan (not to exceed 12 months without OSUP approval) with the employee executing a promissory note acknowledging the amount due and reimbursement terms.

V. DISPUTE RESOLUTION PROCESS

Any current or former employee who, after receiving notice of an overpayment(s) in accordance with the requirements set forth herein, disputes the validity of the demand for overpayment or the amount thereof, has the option of initiating the dispute resolution process set forth below. No action will be taken by LERN to recover the overpayment(s) until the dispute process is resolved.

1. Within seven calendar days of mailing of the demand for recoupment, the employee/former employee shall notify the Executive Director, in writing, of his/her disagreement and desire to challenge the claimed overpayment. This

notice shall clearly set forth the employee's/former employee's basis for disputing the overpayment(s), along with documentation in support of his/her challenge to the recoupment process;

2. The Executive Director shall review all available documentation pertinent to the recoupment process and, within seven days, notify the employee/former employee of the outcome of the dispute resolution process. Such notice shall explain the basis for the Executive Director's decision and advise the employee/former employee that the recoupment process will be discontinued or that LERN will proceed with recoupment;
3. If the Executive Director's decision is that the overpayment(s) occurred and recoupment is warranted, the Executive Director shall make one final effort to reach agreement with the employee/former employee in accordance with the applicable reimbursement options;
4. If agreement cannot be reached, the Executive Director will notify active employees that the involuntary recoupment process will ensue. Separated employees will be notified that litigation will ensue without further notice.

VI. LEGAL ACTION

1. If the employee or former employee persists in disputing the demand for overpayment(s) or if LERN is unable to recover the overpayment in full in accordance with the procedures outlined herein such that litigation is warranted, the Executive Director will consult legal counsel for review and further action. The legal review will consider the following:
 - (a) The total dollar value of the overpayment(s);
 - (b) The period of time during which the overpayment(s) occurred;
 - (c) The period of time elapsed since the overpayment(s);
 - (d) The cost of the recoupment effort; and
 - (e) The likelihood of the recoupment effort being successful.
2. In the event civil litigation is necessary to recoup the overpayment(s), the defendant shall be responsible for paying all costs and the reasonable attorney fees incurred by LERN in pursuing the litigation process.

VII. NOTICE

Written notice is considered given when it is hand-delivered to the employee/former employee or to a person of suitable age and discretion residing with the employee/former employee, or on the seventh calendar day after it is mailed with correct postage to the most recent address furnished in writing or electronically to the Executive Director. .

VIII. ENFORCEMENT

In addition to the recoupment options set forth herein, current employees may be subject to disciplinary action for failure to meaningfully cooperate in the recoupment process.

IX. QUESTIONS

Questions regarding this policy should be directed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

RECOUPMENT OF OVERPAYMENTS POLICY ACKNOWLEDGMENT

My signature hereon acknowledges:

- A) My receipt of LERN's Recoupment of Overpayments Policy;
- B) My understanding of the content of this Policy;
- C) My understanding and consent to the terms and conditions of this Policy; and
- D) My intention of complying with this Policy.

Employee Signature

Date

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

SUBJECT: OVERTIME-COMPENSATORY TIME

EFFECTIVE DATE: March 18, 2010

AUTHORIZATION: PAMELA G. SHAVER, EXECUTIVE DIRECTOR

I. POLICY

The policy of the Louisiana Emergency Response Network (LERN) is to properly compensate employees for hours worked. Overtime and the related crediting of compensatory leave or payment of wages must be authorized prior to the overtime hours actually being worked. The Executive Director is required to manage and control overtime hours which should be authorized based upon business necessity only.

II. PURPOSE

The intent of this policy is to provide guidelines for the consistent management of overtime compensation for required, approved work which must be done beyond an employee's regularly scheduled workday or workweek. Employee compensation for overtime will be in accordance with the Civil Service Rules and the Fair Labor Standards Act (FLSA), with the FLSA taking precedence in the event of a conflict within these provisions.

III. APPLICABILITY

This policy applies to all LERN employees, regardless of status.

IV. DEFINITIONS:

- A) **Overtime** - Time actually worked by an employee at the direction of and with supervisory approval:
 - 1) In excess of regular duty hours in the workday;
 - 2) In excess of regular duty hours in the forty-hour workweek;
 - 3) On a day observed as a holiday; or
 - 4) On a day the office is officially closed.
- B) **Workweek** - From Midnight Sunday through Midnight the following Sunday.
- C) **Hours Worked** - All time during which an employee is actually required or permitted to perform duties in furtherance of the interests of LERN.
- D) **FLSA Overtime** - Compensation for overtime to a qualifying employee required by the Fair Labor Standards Act which necessarily includes actual work hours beyond

the customary 40-hour workweek. Such compensation will be at the time and one-half rate.

- E) **State Overtime** - Compensation for overtime to an employee who is not eligible for overtime under the FLSA, which may not involve actual work hours beyond the customary 40-hour workweek. Such compensation will be at the straight-time rate.
- F) **Non-Exempt Employee** - An employee who occupies a position covered by the overtime provisions of the FLSA, thereby requiring that he be paid in accordance with the FLSA.
- G) **Exempt Employee** - An employee who occupies a position not covered by the overtime provisions of the FLSA, thereby permitting him to receive no compensation for overtime except as permitted herein. Employees who occupy positions that are classified as executive, administrative, professional, and certain positions that are information technology related are generally exempt from receiving overtime under the FLSA.

V. DESIGNATIONS AND COMPENSATION

- A. **Non-Exempt Positions** - At the discretion and direction of the Executive Director, overtime hours worked by employees who occupy non-exempt positions are to be compensated as follows:
 - 1) Compensatory leave calculated at the time and one-half rate for overtime hours actually worked in excess of 40 hours in a workweek; and
 - 2) Compensatory leave calculated at the straight-time rate for hours worked beyond the regularly scheduled workweek when 40 hours have not been actually worked in the workweek.

NOTE: SPECIAL PROVISIONS

- (a) All hours worked during official office closures due to emergency situations will be compensated via the crediting of compensatory leave at the time and one-half rate in addition to regular pay for the day; and
 - (b) All hours worked on official and designated holidays will be compensated via the crediting of compensatory leave at the time and one-half rate in addition to regular pay for the holiday.
- B. **Exempt Positions** - At the discretion and direction of the Executive Director, overtime hours worked by employees who occupy exempt positions are to be compensated via the crediting of compensatory time at the straight-time rate.

NOTE: SPECIAL PROVISIONS

- a) All hours worked during official office closures due to emergency situations will be compensated via the crediting of compensatory leave at the straight-time rate in addition to regular pay for the day; and
- b) All hours worked on official or designated holidays will be compensated via the crediting of compensatory leave at the straight-time rate in addition to regular pay for the holiday.

VI. COMPUTING OVERTIME

Overtime compensation is calculated based upon a 40-hour workweek. Non-exempt employees are entitled to compensation calculated at the time and one-half rate only after actually working 40 hours. Thus, the use of leave of any nature or the occurrence of a holiday during a workweek affects the rate of compensation to which an employee is entitled. For purposes of calculating hours worked for State overtime, a day off from work due to paid leave or a holiday is considered to be a day worked.

VII. OVERTIME FOR MEAL PERIODS

Designated meal periods are not considered work time and employees are not allowed to work during the scheduled meal period. If an employee is required to work through the designated meal period, overtime compensation at the appropriate rate is required.

VIII. OVERTIME FOR CONFERENCES, CONVENTIONS AND TRAINING PROGRAMS

When an employee attends an authorized conference, convention, seminar, workshop, training course or related activity either on weekends, overnight or outside normal work hours, all time in attendance shall be designated as hours worked for which compensation at the appropriate rate is required.

IX. OVERTIME FOR TRAVEL

While on official travel status at the direction of the Executive Director, overtime compensation is granted for the reasonable and necessary time spent outside normal work hours in transit to and from the destination.

A. Home to Work Travel

Travel to and from the worksite is not considered work time. However, when an employee has gone home after completing a day's work and is subsequently called back to work after hours, all time spent on such travel to and from the work site is considered work time for which overtime compensation at the appropriate rate is required. Similarly, if an employee is called to work on a weekend, during a holiday or during an office closure, travel time to and from the work site shall be designated as hours worked for which compensation at the appropriate rate is required.

B. Conference Travel

Travel to and from a conference, convention, seminar, workshop, training course or related activity shall be designated as hours worked for which compensation at the appropriate rate is required. Hours worked will cease upon arrival at the destination.

C. Airline Travel

If travel is by airline, the period for calculating hours worked shall be two hours prior to the stated flight departure time and continuing through the time of arrival at the destination.

D. Regular Travel

Travel time away from the official domicile which is necessary to place the employee at a work site to perform field work inspections, on-site visits or similar activities shall be designated as hours worked for which compensation at the appropriate rate is required.

NOTE: When an employee chooses a different mode of travel than that required by LERN, any additional hours of travel time incurred as a result of the employee's decision shall not be considered hours worked for overtime calculation purposes.

X. CAPS ON ACCUMULATION OF COMPENSATORY LEAVE

A. Leave Earned at the Time and One-Half Rate

The FLSA permits the accumulation of compensatory leave earned at the time and one-half rate up to a maximum cap of 240 hours. The employee must be paid at the time and one-half rate for any overtime hour above the 240-hour cap during the payperiod such overtime hour is earned. Supervisors are required to insure that the 240-hour cap is not exceeded.

B. Leave Earned at the Straight-Time Rate

The Civil Service Rules permit the accumulation of compensatory leave earned at the straight-time rate in excess of 360 hours, but not more than a total of 360 such hours can be carried forward from one calendar year to the next. This applies to both exempt and non-exempt employees.

For exempt employees whose straight-time compensatory leave balance exceeds the 360-hour cap, payment may be made within 90 days after the beginning of the fiscal year for the excess compensatory leave. If payment is not made, the compensatory leave in excess of 360 hours shall be canceled.

For non-exempt employees whose straight-time compensatory leave balance exceeds the 360-hour cap, payment shall be made within 90 days after the beginning of the fiscal year for the excess compensatory leave.

XI. COMPELLED USE OF COMPENSATORY LEAVE

An employee who has been credited with compensatory leave earned at the time and one-half rate and/or at the straight-time rate may be compelled by the Executive Director to take all or part of such leave at any time.

Compensatory leave earned at the time and one-half rate shall be taken before compensatory leave earned at the straight-time rate. All compensatory leave must be taken prior to granting annual leave or leave without pay, and may be taken in lieu of sick leave only with the express approval of the Executive Director.

XII. COMPENSATORY LEAVE PAYMENT UPON TRANSFER OR SEPARATION

Unused compensatory leave earned at the time and one-half rate shall be paid upon transfer or separation from LERN.

Unused compensatory leave earned at the straight-time rate by exempt employees may be paid upon transfer or separation from LERN. All such unused and unpaid leave will be canceled and will not be re-credited upon reemployment by the State.

Unused compensatory leave earned at the straight-time rate by non-exempt employees shall be paid upon transfer or separation from LERN.

XIII. COMPENSATION DISPUTES

LERN will make every effort to insure that an employee's compensation is correct. Any employee who believes he/she has been improperly compensated should consult the Executive Director immediately upon discovering the error. The Executive Director will research the problem and resolve the compensation dispute as quickly as possible. Should it be discovered that LERN has inadvertently underpaid an employee, the employee shall be paid all funds due and owing.

In the event an employee is inadvertently overpaid due to an administrative error, LERN reserves the right to recoup all sums overpaid. The employee will be notified of the discrepancy and resolution of the overpayment will be handled in accordance with LERN's Recoupment of Overpayments Policy.

XIV. MISCELLANEOUS

- A. Prior approval to work overtime is required;
- B. The Executive Director can compel employees to work overtime as necessary to accomplish business assignments;
- C. Employees can be disciplined for failing or refusing to work overtime;
- D. The Executive Director is required to prudently manage the work of LERN's employees in order to mitigate the need for overtime;

- E. Overtime should be limited and authorized only when the required work cannot be completed during the regularly scheduled work week;
- F. Employees can be compelled to use compensatory leave at any time;
- G. Payment for compensatory leave shall be calculated at the employee's base rate of pay at the time of payment;
- H. Employees are required to sign a Statement of Agreement or Understanding Regarding Compensation for Overtime Work at the time of hiring; and
- I. Overtime hours worked must be reported in writing along with an explanation of the nature of the work performed. All overtime should be recorded and entered into ISIS/HR during the payperiod in which the overtime is worked.

XV. OBLIGATIONS

- A. **Supervisor** - Supervisors shall insure that employees adhere to designated work schedules and do not work overtime without prior approval. Supervisors shall also insure that employees are properly compensated for overtime hours worked, and recommending appropriate corrective action for employees who work overtime without prior, supervisory approval.
- B) **Employee** - Employees are required to work overtime at the direction of supervisory personnel. Employees shall insure that they only work overtime that is pre-approved. When prior approval is not possible due to extreme circumstances, employees shall notify their supervisor of the overtime hours worked and the reason therefor. All overtime must be fully documented and properly recorded.
- C) **Executive Director** - The Executive Director is responsible for determining and properly classifying those positions considered exempt and non-exempt under the FLSA. Such classification will determine the manner in which an employee is compensated. The determination of each position's status is maintained and available for review from the Executive Director.

XVI. VIOLATIONS

Any employee found to have knowingly and intentionally falsely claimed overtime compensation will be subject to disciplinary action, including the possibility of termination from the classified service, since such claim could constitute payroll fraud for which criminal prosecution may ensue.

XVII. QUESTIONS

Questions regarding this policy should be directed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANUM NO. _____

EFFECTIVE DATE: March 18, 2010

SUBJECT: PROBATIONARY PERIOD

**AUTHORIZATION: PAMELA G. SHAVER
EXECUTIVE DIRECTOR**

I. POLICY

Civil Service Rule 9.1 establishes a probationary period of not less than six nor more than twenty-four months. The Louisiana Emergency Response Network (LERN) utilizes a probationary period of no less than twelve months before an employee can be considered for permanent status. The probationary period may extend through the entire twenty-four month period authorized by the Civil Service Rules if the employee's abilities and performance remain in question.

II. PURPOSE

The probationary period is a working-test period during which a new employee's abilities and performance are evaluated. This period should be used for the new employee's adjustment and for the elimination of any employee whose performance does not meet the required standard of work.

Probationary employees must understand that they do not possess a property right to their positions such that they serve LERN in the status of at-will employees. As such, probationary employees may be separated by the Executive Director at any time, with or without legal cause.

III. APPLICABILITY

The probationary period of not less than twelve nor more than twenty-four months is applicable to all new employees entering the classified service. Specifically, the Civil Service Rules require a probationary period to be served by employees following appointments to:

1. Permanent positions following certification from an open competitive eligible list;
2. Original appointments to permanent positions in non-competitive classes; and

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3. Non-competitive re-employment based upon prior service.

Additionally, the Executive Director may require existing employees and civil servants from other agencies seeking certain jobs with LERN at the supervisory, managerial or administrative level, as designated by the Executive Director, to serve a probationary period of no less than twelve nor more than twenty-four months. Any such existing employee shall be required to resign his/her permanent status position to accept the probationary position in question. When this occurs, the employee shall be required to sign the Probationary Appointment Acknowledgment Form attached hereto.

IV. EXCEPTIONS:

- 1) A probationary employee who is absent for military training or military active duty in excess of thirty consecutive calendar days shall be returned to duty in the probationary status at the point he/she reached in the probationary period before leaving. Absences of thirty consecutive calendar days or less shall be counted as part of the probationary period (See Rule 9.3); and
- 2) Employees who are on a preferred re-employment list shall be given preferential hiring rights for the agency subject only to the exceptions stated within Rule 17.26. Such employees will be appointed with permanent status unless re-employed into a position which must be filled via probational appointment under Rule 8.10.1.

V. MISCELLANEOUS

- 1) An employee serving with probationary status cannot be promoted. Any probationary employee who qualifies and is eligible for a position which necessarily would be considered a promotion under the Civil Service Rules must resign his/her probationary appointment and be re-hired for the new position with probationary status, thus requiring that the employee serve a new probationary period of not less than twelve nor more than twenty-four months as required by this policy.
- 2) A probationary employee who is permanently transferred, reassigned or demoted to another position shall be eligible for permanent status in the new position between the twelfth and twenty-fourth month of the probationary period which began prior to the change in position.
- 3) The transition from probationary to permanent status requires an affirmative certification by the Executive Director that the employee has met expectations and the required standard of work during the probationary period. Probationary employees who have not met the required standard of work will

not be so certified and therefore, terminated prior to the twenty-fourth month of the probationary period.

VI. MERIT INCREASE

Following six months of continuous employment, an employee becomes **eligible** to be considered for a merit increase. Such increase in salary may be granted before permanent status is attained if the employee's performance satisfies established requirements. Employees should remember that the granting of a merit increase is within the discretion of the Executive Director.

VII. PERFORMANCE PLANNING & REVIEW

A performance planning session shall be conducted within thirty calendar days of employment, during which the designated Rating Supervisor shall discuss with the employee:

- 1) The factors upon which the employee will be rated; and
- 2) The performance that will be expected during the rating period. Thereafter, performance planning sessions and ratings will be conducted in accordance with Chapter 10 of the Civil Service Rules.

VIII. QUESTIONS

Any questions regarding this policy should be addressed to the Executive Director.

LOUISIANA EMERGENCY RESPONSE NETWORK

PROBATIONARY APPOINTMENT ACKNOWLEDGMENT FORM

It is the policy of the Louisiana Emergency Response Network that when a probationary job offer is made to an applicant, he/she shall be informed that the job requires a probationary period of not less than twelve nor more than twenty-four months.

It is also the policy of the Louisiana Emergency Response Network that an employee already possessing permanent status who applies for and accepts a probationary job offer must sign the following acknowledgment confirming the requirement to serve a probationary period of not less than twelve nor more than twenty-four months.

I, _____ UNDERSTAND THAT I HAVE
(Name)

ACCEPTED THE POSITION OF _____
(Position Title)

WITH PROBATIONARY STATUS. I FURTHER UNDERSTAND THAT THE PROBATIONARY PERIOD REQUIRED BY LERN IS NOT LESS THAN TWELVE NOR MORE THAN TWENTY-FOUR MONTHS. I FURTHER UNDERSTAND THAT I MUST RELINQUISH MY PERMANENT STATUS TO ACCEPT THIS JOB OFFER. I FINALLY UNDERSTAND THAT AS A PROBATIONARY EMPLOYEE, I DO NOT POSSESS A PROPERTY RIGHT IN THIS POSITION, THAT I SERVE WITH AT-WILL STATUS, AND THAT I CAN BE TERMINATED WITH OR WITHOUT LEGAL CAUSE AT ANY TIME DURING THE PROBATIONARY PERIOD.

Name

Date

Witness

Date

LOUISIANA EMERGENCY RESPONSE NETWORK

POLICY AND PROCEDURE MEMORANDUM NO. _____

SUBJECT: POLICY PROHIBITING SEXUAL HARASSMENT

EFFECTIVE DATE: March 18, 2010

AUTHORIZATION: PAMELA G. SHAVERS, EXECUTIVE DIRECTOR

I. PURPOSE

The Louisiana Emergency Response Network (LERN) is committed to providing its employees a work environment free from sexual harassment and other such offensive and abusive behavior. To accomplish this, LERN has formulated this policy to define sexual harassment and conduct of a sexual nature that is prohibited in the workplace, and the procedure for effectively reporting conduct which is offensive in nature. Employees should realize that the behavior proscribed by this policy includes words and conduct that are inappropriate, offensive or otherwise creates an unpleasant working environment. In other words, any behavior of a sexual nature or connotation which negatively impacts the workforce is prohibited even though such behavior may not constitute actionable sexual harassment as defined by law.

II. PHILOSOPHY

All LERN employees have a right to a healthy and productive work environment that is free of harassment and discrimination. All employees are required to comply with the federal, state and local laws, government regulations and executive orders which relate to harassment and discrimination. All employees must refrain from offensive and inappropriate conduct, especially of a sexual nature, within the workplace. Managers and supervisors are responsible for discussing this policy with subordinates and ensuring that the workplace is free from such behavior. Any employee violating this policy will be appropriately disciplined.

III. PROHIBITED CONDUCT

Sexual harassment can take many forms, including unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment can involve behavior by a person of either gender against a person of the same or opposite gender. Sexual harassment may include conduct of any supervisor, manager or administrator towards a subordinate employee, or conduct of one employee towards another employee of equal or greater rank. It may also include words or conduct by a vendor, client or visitor to LERN. Finally, an employee may be the victim of sexual harassment because he/she has been affected by inappropriate behavior by or towards a co-worker even though he/she may not be the target of such behavior.

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As defined by law, unwelcomed sexual words or conduct may constitute sexual harassment when:

- A) Submission to such conduct is explicitly/implicitly a term or condition of employment; or
- B) Submission to or rejection of such conduct is used as a basis for employment decisions (i.e. continued employment, evaluations, wages, advancements, assigned duties, shifts or any other condition of employment or career development); or
- C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Inappropriate, unacceptable words or conduct which may constitute sexual harassment include, but are not limited to, the following:

- A) Unwelcomed sexual flirtations, advances or propositions;
- B) Unwelcomed sexual teasing, jokes, remarks or inquiries;
- C) Unwelcomed sexual looks or gestures;
- D) Verbal or written abuse of a sexual nature;
- E) Requests for sexual favors;
- F) Graphic, verbal or sexual comments about an individual or to describe an individual's body;
- G) Unwelcomed physical contact (i.e. touching, rubbing, leaning over, brushing, pinching);
- H) Degrading words and demeaning or inappropriate terms (i.e. referring to a person as "Babe", "Honey", etc.);
- I) Sexual or insulting noises;
- J) Using crude and offensive language;
- K) Discussing sexual activities or exploits;
- L) Inappropriate commenting on a person's attributes; and/or
- M) Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons or pictures.

Employees are reminded that the verbal and physical behavior proscribed herein is always inappropriate in the workplace and hence, violative of LERN policy, although such behavior may not be actionable in a court of law as a civil action. The totality of the circumstances will be considered, including the pervasiveness, offensiveness and unwelcomed nature of the conduct. Each situation must be addressed on a case-by-case basis.

IV. COMPLAINT PROCEDURE

Any employee experiencing, witnessing or having knowledge of sexual harassment or other inappropriate behavior by anyone associated with LERN, including any manager, supervisor, administrator, co-worker, vendor, client or visitor, shall immediately report the inappropriate conduct. Any such complaint may be made verbally or in writing. Under most circumstances, complaints should be made to the employee's supervisor. If the complaint

involves the employee's supervisor or someone within the direct line of supervision, or if the employee, for any reason, is uncomfortable in reporting to his/her supervisor, he/she may contact the Executive Director or the Human Resources Office.

V. INVESTIGATION OF COMPLAINT

- A) All reports of sexual harassment or other inappropriate behavior shall immediately be reported to the Executive Director who generally will direct the investigatory process.
- B) LERN will investigate **all** complaints. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.
- C) To prevent further occurrences or to preserve the integrity of the investigation, temporary reassignment, transfers, forced leave or other personnel actions permissible under the Civil Service Rules may be utilized.
- D) The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records, logs, reports or other documentation pertinent to the investigation will be reviewed.
- E) The investigative process will generally be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.
- F) Persons called upon during the investigation are required to answer all questions truthfully and cooperatively.
- G) The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
- H) The investigative process will also be conducted in a confidential manner, with only those in a need-to-know position involved.
- I) The complaining employee and accused will be apprised of the outcome of the investigation, with appropriate emphasis on the rights of all involved.

VI. COMPLAINT RESOLUTION

- A) Any employee found, after appropriate investigation, to have engaged in sexual harassment or other inappropriate behavior will be disciplined in accordance with applicable law and the Civil Service Rules. Such action may include counseling, reprimand, suspension, demotion, reduction in pay or termination.
- B) In addition to disciplinary action, other appropriate measures, including follow-up inquiries and re-training, will be utilized to ensure that the inappropriate behavior does not recur.

VII. NON-RETALIATION

- A) Any employee making a good faith complaint of sexual harassment or other inappropriate behavior will be protected from retaliation, reprisal and harassment. Likewise, any employee providing information or otherwise participating in the investigation of such a complaint will be protected from retaliation, reprisal and harassment.
- B) If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process, appropriate, severe disciplinary action will be taken, including the possibility of termination from the classified service.

VIII. FEDERAL AND STATE LAWS

This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexual harassment available to employees under state and federal law, including Title VII of the Civil Rights Act of 1964 and La. R.S. 23:331 et seq. Employees should be aware of the time delays and requirements of law which require the filing of a complaint with the Equal Employment Opportunity Commission or the Louisiana Commission on Human Rights. This information is posted and available from the Human Resources Office.

IX. QUESTIONS/COMMENTS

Questions or comments concerning sexual harassment or the application or enforcement of this policy should be addressed to the Human Resources Office. To the extent possible, such inquiries will be maintained in strict confidence. Employees are reminded that complaints will be appropriately investigated notwithstanding the employee's request that no action be taken or that the investigation be delayed.